
By: **Senator Stoltzfus**

Introduced and read first time: February 4, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Organ Donation - Registration Over the Internet**

3 FOR the purpose of providing for a system of organ, tissue, and body donation over
4 the Internet; providing for valid consent of organ, body, or tissue donation by
5 Internet registration; requiring the Motor Vehicle Administration to work with
6 the State Advisory Council on Organ and Tissue Donation Awareness to create
7 the structure for the Internet site; providing for an Internet registration form;
8 providing that minors under a certain age may not give consent to organ, tissue,
9 or body donation by Internet registration; providing that minors that have
10 attained a certain age may consent to organ, tissue, or body donation over the
11 Internet with the written consent of a parent or guardian; and generally relating
12 to organ, tissue, or body donation by Internet registration.

13 BY repealing and reenacting, with amendments,
14 Article - Estates and Trusts
15 Section 4-505(c)
16 Annotated Code of Maryland
17 (1991 Replacement Volume and 1999 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Health - General
20 Section 19-310(j)
21 Annotated Code of Maryland
22 (1996 Replacement Volume and 1999 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article - Transportation
25 Section 12-303
26 Annotated Code of Maryland
27 (1999 Replacement Volume and 1999 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
29 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Estates and Trusts**

2 4-505.

3 (c) (1) A gift of all or part of the body for purposes of this subtitle also may
4 be made by a designation on the donor's driver's license or identification card under §
5 12-303 of the Transportation Article.

6 (2) A GIFT OF ALL OR PART OF THE BODY FOR PURPOSES OF THIS
7 SUBTITLE ALSO MAY BE MADE BY REGISTRATION THROUGH THE INTERNET AT THE
8 INTERNET SITE PROVIDED BY THE MOTOR VEHICLE ADMINISTRATION IN
9 ACCORDANCE WITH § 12-303(B) OF THE TRANSPORTATION ARTICLE.

10 **Article - Health - General**

11 19-310.

12 (j) The consent of the decedent's representative is not necessary and the
13 provisions of subsection (d) of this section do not apply if:

14 (1) (I) The decedent's driver's license or identification card contains a
15 notation that the decedent is an organ donor; or

16 (II) THE DECEDENT HAS CONSENTED TO THE GIFT OF ALL OR ANY
17 PART OF THE DECEDENT'S BODY BY REGISTRATION WITH THE MOTOR VEHICLE
18 ADMINISTRATION THROUGH THE INTERNET SITE AS PROVIDED IN § 12-303(B) OF THE
19 TRANSPORTATION ARTICLE; OR

20 (2) The decedent has consented to the gift of all or any part of the
21 decedent's body in accordance with the provisions of:

22 (i) § 5-604.1 of this article; or

23 (ii) Title 4, Subtitle 5 of the Estates and Trusts Article.

24 **Article - Transportation**

25 12-303.

26 (a) (1) The Administration shall provide for a method by which an applicant
27 for a driver's license or identification card can designate that the applicant consents
28 to the gift of all body organs or parts for the purposes of transplantation, therapy, or
29 medical research and education.

30 (2) THE ADMINISTRATION SHALL PROVIDE FOR A METHOD BY WHICH A
31 PERSON MAY REGISTER CONSENT OVER THE INTERNET TO THE GIFT OF ALL BODY
32 ORGANS OR PARTS FOR THE PURPOSES OF TRANSPLANTATION, THERAPY, OR
33 MEDICAL RESEARCH AND EDUCATION.

1 (b) (1) If an applicant designates that he is such a donor, the Administration
2 may make a notation of this fact on the driver's license or identification card issued to
3 the applicant.

4 (2) THE MOTOR VEHICLE ADMINISTRATION SHALL WORK WITH THE
5 STATE ADVISORY COUNCIL ON ORGAN AND TISSUE DONATION AWARENESS,
6 CREATED PURSUANT TO § 13-901 OF THE HEALTH - GENERAL ARTICLE, TO CREATE
7 THE STRUCTURE FOR INTERNET REGISTRATION OF THE DONATION OF ALL BODY
8 ORGANS OR PARTS.

9 (c) The donor designation noted on the driver's license, INTERNET
10 REGISTRATION FORM, or identification card:

11 (1) Is sufficient legal authority for the removal of a body organ or part on
12 the death of the donor; and

13 (2) May be removed only on written notice to the Administration by the
14 donor.

15 (d) Notwithstanding any other provision of law, the donor designation noted
16 on the driver's license, INTERNET REGISTRATION FORM, or identification card is valid
17 and effective for all purposes under Title 4, Subtitle 5 of the Estates and Trusts
18 Article, including the immunity from civil or criminal liability set forth in § 4-508(b)
19 of the Estates and Trusts Article.

20 (e) At the time the donor authorizes the donor designation THROUGH
21 INTERNET REGISTRATION, OR THE AUTHORIZATION APPEARS [to appear] on his
22 driver's license or identification card, the Administration shall notify the donor that
23 the designation can be removed only on written notice to the Administration.

24 (f) (1) Except as provided in paragraph (2) of this subsection, a donor
25 designation under this section may not be made by INTERNET REGISTRATION or
26 noted on the driver's license or special identification card of any minor.

27 (2) A donor designation under this section may be made by INTERNET
28 REGISTRATION or noted on the driver's license or special identification card of a
29 minor who is at least 16 years old, if a parent or guardian of the minor consents in
30 writing.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2000.