A BILL ENTITLED

AN ACT concerning

Motor Vehicle Administration – Organ Donation – Presumed Consent
(Patricia Hanberry Gift of Life Act)

FOR the purpose of requiring the Motor Vehicle Administration to notify an applicant for a driver's license or identification card that the applicant shall be deemed to have consented to be an organ donor unless the applicant expressly chooses not to consent; requiring the Administration to provide for a method by which the applicant can designate that the applicant does not consent to being an organ donor; requiring the Administration to indicate whether an individual is an organ donor on the individual’s driver’s license or identification card; clarifying language; and generally relating to a presumption of consent to organ donation by an applicant for a driver's license or identification card.

BY repealing and reenacting, with amendments,

Article – Transportation
Section 12–303
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

Article – Transportation

12–303.

(a) (1) THE ADMINISTRATION SHALL NOTIFY AN APPLICANT APPLYING FOR OR RENEWING A DRIVER’S LICENSE OR IDENTIFICATION CARD THAT THE APPLICANT SHALL BE DEEMED TO HAVE CONSENTED TO THE GIFT OF ALL BODY ORGANS OR PARTS FOR THE PURPOSES SPECIFIED IN PARAGRAPH (2)
OF THIS SUBSECTION UNLESS THE APPLICANT EXPRESSLY CHOOSES NOT TO CONSENT.

(2) The Administration shall provide for a method by which an applicant for a driver’s license or identification card can designate that the applicant [consents] DOES NOT CONSENT to the gift of all body organs or parts for the purposes of transplantation, therapy, or medical research and education.

(b) [If an applicant designates that he is such a donor, the] THE Administration [may] SHALL make a notation [of this fact] on the driver’s license or identification card issued to the applicant INDICATING WHETHER THE APPLICANT IS A DONOR.

(c) The donor designation noted on the driver’s license or identification card:

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

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

(d) Notwithstanding any other provision of law, the donor designation noted on the driver’s license or identification card is valid and effective for all purposes under Title 4, Subtitle 5 of the Estates and Trusts Article, including the immunity from civil or criminal liability set forth in § 4–514 of the Estates and Trusts Article.

(e) At the time the donor authorizes the donor designation to appear on his driver’s license or identification card, the Administration shall notify the donor that the designation can be removed only on written notice to the Administration.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.