

HOUSE BILL 118

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By: **Delegate Morhaim**

Introduced and read first time: January 26, 2015

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study Presumed Consent Organ Donation in Maryland**

3 FOR the purpose of establishing the Task Force to Study Presumed Consent Organ
4 Donation in Maryland; providing for the composition, chair, and staffing of the Task
5 Force; prohibiting a member of the Task Force from receiving certain compensation,
6 but authorizing the reimbursement of certain expenses; requiring the Task Force to
7 study and make recommendations regarding certain matters; requiring the Task
8 Force to report its interim and final findings and recommendations to the Governor
9 and the General Assembly on or before certain dates; providing for the termination
10 of this Act; and generally relating to the Task Force to Study Presumed Consent
11 Organ Donation in Maryland.

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

13 That:

14 (a) There is a Task Force to Study Presumed Consent Organ Donation in
15 Maryland.

16 (b) The Task Force consists of the following members:

17 (1) two members of the Senate of Maryland, appointed by the President of
18 the Senate;

19 (2) two members of the House of Delegates, appointed by the Speaker of
20 the House;

21 (3) the Secretary of Health and Mental Hygiene, or the Secretary's
22 designee; and

23 (4) the following members, appointed by the Governor:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) one representative of the Maryland Motor Vehicle
2 Administration;
- 3 (ii) one representative of Donate Life Maryland;
- 4 (iii) one representative of the Maryland Hospital Association;
- 5 (iv) one representative of MedChi, the Maryland State Medical
6 Society;
- 7 (v) one representative of the Maryland Nurses Association;
- 8 (vi) one representative of a faith-based group;
- 9 (vii) one representative of organ donors and their families;
- 10 (viii) one representative of organ recipients and their families;
- 11 (ix) one representative of the Maryland State Bar Association; and
- 12 (x) a medical ethicist.
- 13 (c) The Governor shall designate the chair of the Task Force.
- 14 (d) The Department of Health and Mental Hygiene shall provide staff for the Task
15 Force.
- 16 (e) A member of the Task Force:
- 17 (1) may not receive compensation as a member of the Task Force; but
- 18 (2) is entitled to reimbursement for expenses under the Standard State
19 Travel Regulations, as provided in the State budget.
- 20 (f) The Task Force shall:
- 21 (1) study:
- 22 (i) the impact of establishing a system of presumed consent organ
23 donation in the State on organ donation rates in the State;
- 24 (ii) comparisons of organ donation rates in countries before and after
25 the introduction of a presumed consent law and comparisons of organ donation rates in
26 countries with and without presumed consent laws;
- 27 (iii) available data on the attitudes of the public, professionals, and
28 other stakeholders regarding presumed consent organ donation;

1 (iv) the feasibility of establishing a system of presumed consent
2 organ donation in the State that would require the Maryland Motor Vehicle Administration
3 to notify an applicant applying for or renewing a driver's license or an identification card
4 that the applicant would be deemed to have consented to be an organ donor unless the
5 applicant expressly chooses not to consent;

6 (v) alternate systems of presumed consent organ donation;

7 (vi) the medical, legal, ethical, economic, and social issues relating to
8 presumed consent organ donation; and

9 (vii) how new health technology could support a presumed consent
10 organ donation system; and

11 (2) make recommendations regarding the establishment of a presumed
12 consent organ donation system in the State and how a system would increase organ
13 donation rates in the State.

14 (g) On or before June 1, 2016, the Task Force shall report its interim findings and
15 recommendations to the Governor and, in accordance with § 2-1246 of the State
16 Government Article, the General Assembly.

17 (h) On or before June 1, 2017, the Task Force shall report its final findings and
18 recommendations to the Governor and, in accordance with § 2-1246 of the State
19 Government Article, the General Assembly.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
21 1, 2015. It shall remain effective for a period of 2 years and 2 months and, at the end of
22 July 31, 2017, with no further action required by the General Assembly, this Act shall be
23 abrogated and of no further force and effect.