

SENATE BILL 415

N2, D1, R4

5l1708
CF 5l2693

By: **Senators Kagan, Astle, Bates, Benson, Brochin, Cassilly, Conway, Currie, DeGrange, Eckardt, Edwards, Feldman, Ferguson, Guzzone, Hershey, Jennings, Kasemeyer, Kelley, King, Klausmeier, Lee, Madaleno, Manno, Mathias, McFadden, Middleton, Miller, Montgomery, Muse, Nathan-Pulliam, Norman, Peters, Pinsky, Pugh, Ramirez, Raskin, Ready, Reilly, Rosapepe, Salling, Serafini, Simonaire, Waugh, and Young**

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **State Donor Registry – Methods of Registration – Clerks of Circuit Courts,**
3 **Registers of Wills, and Motor Vehicle Administration**
4 **(Enhancing Organ Donation Rates Act)**

5 FOR the purpose of requiring the clerks of the circuit courts and registers of wills to provide
6 a method by which certain individuals can register with the State donor registry for
7 a certain purpose; requiring, under certain circumstances, the clerks of the circuit
8 courts and the registers of wills to transfer certain information received by the clerks
9 of the circuit courts or registers of wills to the State donor registry; requiring the
10 clerks of the circuit courts and registers of wills to notify certain individuals that a
11 certain registration will remain effective until the individual makes a certain
12 request; requiring the Motor Vehicle Administration to provide a method by which
13 an individual doing business with the Administration can register as a donor with
14 the State donor registry for a certain purpose and select to have a donor designation
15 on the individual's driver's license or identification card, rather than providing a
16 method by which an applicant for a driver's license or identification card can
17 designate that the applicant consents to a certain gift; making conforming changes;
18 and generally relating to methods of registering with the State donor registry.

19 BY adding to
20 Article – Courts and Judicial Proceedings
21 Section 2-214
22 Annotated Code of Maryland
23 (2013 Replacement Volume and 2014 Supplement)

24 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Estates and Trusts
2 Section 2–213
3 Annotated Code of Maryland
4 (2011 Replacement Volume and 2014 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – Estates and Trusts
7 Section 4–516
8 Annotated Code of Maryland
9 (2011 Replacement Volume and 2014 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article – Transportation
12 Section 12–303
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2014 Supplement)

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

17 **Article – Courts and Judicial Proceedings**

18 **2–214.**

19 (A) A CLERK OF A CIRCUIT COURT SHALL PROVIDE A METHOD BY WHICH AN
20 INDIVIDUAL WHO APPLIES FOR A LICENSE UNDER § 2–402 OF THE FAMILY LAW
21 ARTICLE CAN REGISTER WITH THE STATE DONOR REGISTRY ESTABLISHED UNDER
22 § 4–516 OF THE ESTATES AND TRUSTS ARTICLE FOR THE PURPOSE OF MAKING A
23 GIFT OF ALL BODY ORGANS OR PARTS FOR THE PURPOSES OF TRANSPLANTATION,
24 THERAPY, OR MEDICAL RESEARCH AND EDUCATION.

25 (B) IF AN INDIVIDUAL SELECTS TO REGISTER WITH THE STATE DONOR
26 REGISTRY UNDER SUBSECTION (A) OF THIS SECTION, A CLERK OF A CIRCUIT COURT
27 SHALL TRANSFER ALL APPLICABLE INFORMATION RECEIVED BY THE CLERK OF THE
28 CIRCUIT COURT TO THE STATE DONOR REGISTRY.

29 (C) A CLERK OF A CIRCUIT COURT SHALL NOTIFY AN INDIVIDUAL WHO
30 SELECTS TO REGISTER WITH THE STATE DONOR REGISTRY THAT THE
31 REGISTRATION WILL REMAIN EFFECTIVE UNTIL THE INDIVIDUAL REQUESTS THAT
32 THE INDIVIDUAL BE REMOVED FROM THE STATE DONOR REGISTRY BY REQUESTING
33 THE REMOVAL THROUGH A CLERK OF A CIRCUIT COURT, THE STATE DONOR
34 REGISTRY, OR THE MOTOR VEHICLE ADMINISTRATION.

35 **Article – Estates and Trusts**

1 **2-213.**

2 (A) A REGISTER SHALL PROVIDE A METHOD BY WHICH AN INDIVIDUAL WHO
3 IS DEPOSITING A WILL UNDER § 4-201 OF THIS ARTICLE OR DELIVERING A WILL
4 UNDER § 4-202 OF THIS ARTICLE TO REGISTER WITH THE STATE DONOR REGISTRY
5 ESTABLISHED UNDER § 4-516 OF THIS ARTICLE FOR THE PURPOSE OF MAKING A
6 GIFT OF ALL BODY ORGANS OR PARTS FOR THE PURPOSES OF TRANSPLANTATION,
7 THERAPY, OR MEDICAL RESEARCH AND EDUCATION.

8 (B) IF AN INDIVIDUAL SELECTS TO REGISTER WITH THE STATE DONOR
9 REGISTRY UNDER SUBSECTION (A) OF THIS SECTION, THE REGISTER SHALL
10 TRANSFER ALL APPLICABLE INFORMATION RECEIVED BY THE REGISTER TO THE
11 STATE DONOR REGISTRY.

12 (C) THE REGISTER SHALL NOTIFY AN INDIVIDUAL WHO SELECTS TO
13 REGISTER WITH THE STATE DONOR REGISTRY THAT THE REGISTRATION WILL
14 REMAIN EFFECTIVE UNTIL THE INDIVIDUAL REQUESTS THAT THE INDIVIDUAL BE
15 REMOVED FROM THE STATE DONOR REGISTRY BY REQUESTING THE REMOVAL
16 THROUGH THE REGISTER, THE STATE DONOR REGISTRY, OR THE MOTOR VEHICLE
17 ADMINISTRATION.

18 4-516.

19 (a) In this section, “qualified nonprofit entity” means a procurement organization
20 exempt from taxation under § 501(c)(3) of the Internal Revenue Code or an entity exempt
21 from taxation under § 501(c)(3) of the Internal Revenue Code that actively functions in a
22 supporting relationship to one or more procurement organizations if the procurement
23 organization or other entity has a board of directors whose members are experienced in:

24 (1) Organ, tissue, and eye donation;

25 (2) Working with donors and donor families; and

26 (3) Educating the public about the importance of the process of organ,
27 tissue, and eye donation.

28 (b) (1) The Secretary of Health and Mental Hygiene shall contract with a
29 qualified nonprofit entity for the establishment, maintenance, and operation of a donor
30 registry.

31 (2) The Secretary of Health and Mental Hygiene shall use funds from the
32 Organ and Tissue Donation Awareness Fund established under Title 13, Subtitle 9 of the
33 Health – General Article or any other funds as may be appropriate to compensate the
34 nonprofit entity contracted with under paragraph (1) of this subsection for the reasonable
35 cost of establishing, maintaining, and operating the donor registry, including the

1 reasonable cost of public education programs to increase public awareness about the
2 existence and purpose of the registry and organ, tissue, and eye donation.

3 (c) The Motor Vehicle Administration, **EACH REGISTER OF WILLS, AND EACH**
4 **CLERK OF A CIRCUIT COURT** shall cooperate with the qualified nonprofit entity
5 contracted with under subsection (b)(1) of this section for the purpose of transferring to the
6 donor registry all relevant information regarding a donor's making, amending of, or
7 revoking of an anatomical gift.

8 (d) A donor registry shall be accessible 24 hours a day and 7 days a week to allow:

9 (1) A donor to include on the donor registry a statement or symbol that the
10 donor has made or amended an anatomical gift;

11 (2) A donor to revoke an anatomical gift; or

12 (3) A procurement organization to obtain relevant information on the donor
13 registry to determine, at the death or imminent death of a donor or a prospective donor,
14 whether the donor or prospective donor has made, amended, or revoked an anatomical gift.

15 (e) Personally identifiable information on a donor registry about a donor or
16 prospective donor may not be used or disclosed without the express consent of the donor,
17 prospective donor, or person that made the anatomical gift for any purpose other than to
18 determine, at the death or imminent death of the donor or prospective donor, whether the
19 donor or prospective donor has made or amended an anatomical gift.

20 (f) (1) This section does not prohibit a person from creating or maintaining a
21 donor registry that is not established by or under contract with the State.

22 (2) A registry that is not established by or under contract with the State
23 shall comply with subsections (d) and (e) of this section.

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] **AN INDIVIDUAL DOING BUSINESS WITH THE**
28 **ADMINISTRATION** can [designate that the applicant consents to the]:

29 **(I) REGISTER AS A DONOR WITH THE STATE DONOR REGISTRY**
30 **ESTABLISHED UNDER § 4–516 OF THE ESTATES AND TRUSTS ARTICLE FOR THE**
31 **PURPOSE OF MAKING A gift of all body organs or parts for the purposes of transplantation,**
32 **therapy, or medical research and education; AND**

1 **(II) SELECT TO HAVE A DONOR DESIGNATION ON THE**
2 **INDIVIDUAL'S DRIVER'S LICENSE OR IDENTIFICATION CARD.**

3 **(2) THE ADMINISTRATION MAY NOT REQUIRE AN INDIVIDUAL WHO**
4 **REGISTERS WITH THE STATE DONOR REGISTRY UNDER PARAGRAPH (1)(I) OF THIS**
5 **SUBSECTION TO HAVE A DONOR DESIGNATION ON THE INDIVIDUAL'S DRIVER'S**
6 **LICENSE OR IDENTIFICATION CARD.**

7 (b) If an [applicant] **INDIVIDUAL** selects **TO HAVE A DONOR** designation [as a
8 donor] **ON THE INDIVIDUAL'S DRIVER'S LICENSE OR IDENTIFICATION CARD** under
9 subsection [(a)] **(A)(1)** of this section, the Administration shall make a notation of this fact
10 on [the] A driver's license or identification card issued to the [applicant] **INDIVIDUAL**.

11 (c) The Administration shall notify an [applicant] **INDIVIDUAL** who selects
12 [designation] **TO REGISTER** as a donor that [the designation]:

13 (1) [Will] **THE REGISTRATION WILL** remain effective until the
14 [applicant] **INDIVIDUAL** requests that the [designation] **INDIVIDUAL** be removed **FROM**
15 **THE STATE DONOR REGISTRY**; and

16 (2) [May be removed by the applicant] **THE INDIVIDUAL MAY REQUEST**
17 **TO BE REMOVED FROM THE STATE DONOR REGISTRY**:

18 (i) [By] **IF THE INDIVIDUAL SELECTED TO HAVE A DONOR**
19 **DESIGNATION ON THE INDIVIDUAL'S DRIVER'S LICENSE OR IDENTIFICATION CARD,**
20 **BY** requesting a replacement driver's license or identification card:

21 1. Through the Administration's Web site; or

22 2. In person at any full-service Administration office; [or]

23 **(II) BY REQUESTING TO BE REMOVED WHEN DOING BUSINESS**
24 **WITH THE ADMINISTRATION; OR**

25 [(ii)] **(III)** Through the State donor registry [established under §
26 4-516 of the Estates and Trusts Article].

27 (d) Unless **AN INDIVIDUAL WHO SELECTED TO HAVE A DONOR DESIGNATION**
28 **ON THE INDIVIDUAL'S DRIVER'S LICENSE OR IDENTIFICATION CARD IS** removed
29 **FROM THE STATE DONOR REGISTRY** as provided in subsection (c)(2) of this section, the
30 Administration shall note [an applicant's] **THE INDIVIDUAL'S DONOR** designation [as a
31 donor] on all subsequently issued drivers' licenses or identification cards.

1 (e) [The] A donor designation noted on [the] A driver's license or identification
2 card:

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

5 (2) Notwithstanding any other provision of law, is valid and effective for all
6 purposes under Title 4, Subtitle 5 of the Estates and Trusts Article, including the immunity
7 from civil or criminal liability set forth in § 4-514 of the Estates and Trusts Article.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2015.