

Chapter 444

(House Bill 691)

AN ACT concerning

Organ and Tissue Donation Awareness Fund – Donor Registry – Annual Funding

FOR the purpose of requiring the Secretary of Health to use funds from the Organ and Tissue Donation Awareness Fund and certain other funds to compensate a certain entity for certain costs; requiring the Secretary of Health to distribute a certain minimum amount of funds annually from the Organ and Tissue Donation Awareness Fund to a certain entity; requiring that any unused funds distributed to a certain entity revert to the Organ and Tissue Donation Awareness Fund at the end of each fiscal year; providing for the termination of this Act; and generally relating to the Organ and Tissue Donation Awareness Fund and a certain donor registry.

BY repealing and reenacting, without amendments,

Article – Estates and Trusts

Section 4–516(a)

Annotated Code of Maryland

(2017 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 4–516(b)

Annotated Code of Maryland

(2017 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 13–901

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

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

Article – Estates and Trusts

4–516.

(a) In this section, “qualified nonprofit entity” means a procurement organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code or an entity exempt from taxation under § 501(c)(3) of the Internal Revenue Code that actively functions in a

supporting relationship to one or more procurement organizations if the procurement organization or other entity has a board of directors whose members are experienced in:

- (1) Organ, tissue, and eye donation;
- (2) Working with donors and donor families; and
- (3) Educating the public about the importance of the process of organ, tissue, and eye donation.

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

(2) The Secretary of Health shall use funds from the Organ and Tissue Donation Awareness Fund [established under Title 13, Subtitle 9] **AS REQUIRED UNDER § 13–901** of the Health – General Article [or] **AND** any other funds as may be appropriate to compensate the nonprofit entity contracted with under paragraph (1) of this subsection for the reasonable cost of establishing, maintaining, and operating the donor registry, including the reasonable cost of public education programs to increase public awareness about the existence and purpose of the registry and organ, tissue, and eye donation.

Article – Health – General

13–901.

(a) (1) There is an Organ and Tissue Donation Awareness Fund.

(2) The Fund consists of money collected under § 16–111.2(f) of the Transportation Article.

(3) The Fund is a special, [continuing,] nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(4) The **STATE** Treasurer shall separately hold and the **STATE** Comptroller shall account for the Fund.

(5) The Fund shall be invested and reinvested in the same manner as other State funds.

(6) Any investment earnings shall be retained to the credit of the Fund.

(b) (1) The Fund shall be managed and supervised by the Secretary or the Secretary’s designee.

(2) **(I)** The Fund shall be used to promote public education and awareness about organ, tissue, and eye donations and to fund the establishment, operation,

and maintenance of a donor registry as provided in § 4-516 of the Estates and Trusts Article.

(II) **1. AT LEAST \$400,000 SHALL BE DISTRIBUTED ANNUALLY FROM THE FUND TO THE QUALIFIED NONPROFIT ENTITY DESCRIBED IN § 4-516 OF THE ESTATES AND TRUSTS ARTICLE.**

2. ANY UNUSED FUNDS DISTRIBUTED TO THE QUALIFIED NONPROFIT ENTITY UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL REVERT TO THE FUND AT THE END OF EACH FISCAL YEAR.

(3) The Fund shall be subject to audit by the Office of Legislative Audits under Title 2, Subtitle 12 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018. It shall remain effective for a period of 5 years and, at the end of September 30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 8, 2018.