

**SB0265/736188/1**

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 265  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “authorizing a person who chooses to be an organ donor on or after a certain date to designate if the anatomical gift is to be used for certain purposes; requiring the Organ Procurement Organization or its designee to produce and provide to each Motor Vehicle Administration location educational materials that include certain information; requiring each Motor Vehicle Administration location to prominently display and make available to prospective donors on request the educational materials; requiring the Motor Vehicle Administration to adopt regulations to carry out certain provisions of this Act;”; in the same line, after “used;” insert “requiring that a certain gift registered before a certain date be used only for certain purposes;”; in line 8, after “circumstances;” insert “providing for a delayed effective date;”; in line 12, after “Section” insert “4-503(a) and (b) and”; and after line 14, insert:

“BY adding to

Article - Estates and Trusts

Section 4-503(f), (g), and (h)

Annotated Code of Maryland

(2017 Replacement Volume and 2020 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 6, insert:

“4-503.

(a) Subject to § 4-506 of this subtitle, an anatomical gift may be made during the life of a donor for the purpose of transplantation, therapy, research, or education by:

(Over)

**SB0265/736188/1 Health and Government Operations Committee**  
**Amendments to SB 265**  
**Page 2 of 4**

- (1) (i) A donor who is an adult; or
- (ii) A donor who is a minor, if the minor is:
  - 1. Emancipated; or
  - 2. Authorized under State law to apply for a driver's license because the donor is at least 15 years and 9 months old;
- (2) An agent of a donor, unless a power of attorney for health care or other record prohibits the agent from making an anatomical gift;
- (3) A parent of a donor, if the donor is an unemancipated minor; or
- (4) A guardian of a donor.
- (b) A donor may make an anatomical gift:
  - (1) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver's license or identification card;
  - (2) By will;
  - (3) During a terminal illness or an injury of the donor, by any form of communication addressed to at least two adults, at least one of whom is a disinterested witness; or
  - (4) As provided in subsection (c) of this section.

**(F) ON OR AFTER JULY 1, 2022, A PERSON WHO ELECTS TO BE A DONOR MAY DESIGNATE ANY OF THE FOLLOWING PURPOSES FOR THE ANATOMICAL GIFT:**

**(1) RESEARCH AND EDUCATION; AND**

**(2) TRANSPLANTATION AND THERAPY.**

**(G) (1) BY JULY 1, 2022, THE ORGAN PROCUREMENT ORGANIZATION OR ITS DESIGNATED AFFILIATE SHALL PRODUCE AND PROVIDE TO EACH MOTOR VEHICLE ADMINISTRATION LOCATION EDUCATIONAL MATERIALS THAT INCLUDE DEFINITIONS OF:**

**(I) ANATOMICAL GIFT;**

**(II) RESEARCH AND EDUCATION; AND**

**(III) TRANSPLANTATION AND THERAPY.**

**(2) EACH MOTOR VEHICLE ADMINISTRATION LOCATION SHALL PROMINENTLY DISPLAY THE EDUCATIONAL MATERIALS AND MAKE AVAILABLE THE EDUCATIONAL MATERIALS TO PROSPECTIVE DONORS ON REQUEST.**

**(H) THE MOTOR VEHICLE ADMINISTRATION SHALL ADOPT REGULATIONS BY JULY 1, 2022, TO CARRY OUT SUBSECTIONS (F) AND (G) OF THIS SECTION.”;**

in line 20, after “(f)” insert “**(1)**”; in the same line, strike “If” and substitute “**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF**”; and after line 23, insert:

(Over)

**SB0265/736188/1 Health and Government Operations Committee**  
**Amendments to SB 265**  
**Page 4 of 4**

**“(2) IF A DONOR REGISTERED A DOCUMENT OF GIFT DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION BEFORE JULY 1, 2022, THE GIFT MAY ONLY BE USED FOR TRANSPLANTATION OR THERAPY.”**

On page 3, in line 20, strike “October 1, 2021” and substitute “January 1, 2022”.