

SENATE BILL 265

N2, J1
SB 869/20 – JPR

(PRE-FILED)

1lr1231
CF HB 301

By: **Senator Waldstreicher**

Requested: October 29, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: January 26, 2021

CHAPTER _____

1 AN ACT concerning

2 **Estates and Trusts – Maryland Revised Uniform Anatomical Gift Act – Revisions**

3 FOR the purpose of altering the purposes for which certain anatomical gifts may be used;
4 repealing provisions of law that require certain persons to search certain individuals
5 for a document of gift or any other information identifying the individual as a donor,
6 that specify certain procedures to be taken if a document is located, and that concern
7 certain administrative sanctions; requiring a certain procurement organization to
8 make a certain search of certain registries under certain circumstances; and
9 generally relating to the Maryland Revised Uniform Anatomical Gift Act.

10 BY repealing and reenacting, without amendments,
11 Article – Estates and Trusts
12 Section 4–509(a) and (g)
13 Annotated Code of Maryland
14 (2017 Replacement Volume and 2020 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Estates and Trusts
17 Section 4–509(e) and (f) and 4–512(a)
18 Annotated Code of Maryland
19 (2017 Replacement Volume and 2020 Supplement)

20 BY repealing
21 Article – Estates and Trusts

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 4–510
2 Annotated Code of Maryland
3 (2017 Replacement Volume and 2020 Supplement)

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

6 **Article – Estates and Trusts**

7 4–509.

8 (a) An anatomical gift may be made to the following persons named in a document
9 of gift:

10 (1) A hospital, an accredited medical school, a dental school, a college or
11 university, an organ procurement organization, the State Anatomy Board, or a
12 nontransplant tissue bank for research, training, or education;

13 (2) Subject to subsection (b) of this section, if the individual is the recipient
14 of the part, an individual designated by the person making the anatomical gift; or

15 (3) An eye bank or a transplant tissue bank.

16 (e) If an anatomical gift of one or more specific parts is made in a document of gift
17 that does not name a person described in subsection (a) of this section and does not identify
18 the purpose of the gift, the gift passes in accordance with subsection (g) of this section [and
19 may be used only for transplantation or therapy].

20 (f) If a document of gift specifies only a general intent to make an anatomical gift
21 by words such as “donor”, “organ donor”, or “body donor”, or by a symbol or statement of
22 similar import, the gift passes in accordance with subsection (g) of this section and may be
23 used [only] for transplantation, **RESEARCH, EDUCATION**, or therapy.

24 (g) For purposes of subsections (b), (e), and (f) of this section, the following
25 provisions apply:

26 (1) If the part is an eye, the gift passes to the appropriate eye bank;

27 (2) If the part is tissue, the gift passes to the appropriate tissue bank; and

28 (3) If the part is an organ, the gift passes to the appropriate organ
29 procurement organization as custodian of the organ.

30 [4–510.

31 (a) The following persons shall make a reasonable search of an individual who
32 the person reasonably believes is dead or whose death is imminent for a document of gift

1 or any other information identifying the individual as a donor or as an individual who made
2 a refusal:

3 (1) A law enforcement officer, firefighter, paramedic, or any other
4 emergency rescuer finding the individual; and

5 (2) If no other source of the information is immediately available, a
6 hospital, as soon as practical after the individual’s arrival at the hospital.

7 (b) If a document of gift or a refusal to make an anatomical gift is located by the
8 search required under subsection (a)(1) of this section and the individual or deceased
9 individual to whom it relates is taken to a hospital, the person responsible for conducting
10 the search shall send the document of gift or refusal to the hospital.

11 (c) A person is not subject to criminal or civil liability for failing to discharge the
12 duties imposed by this section but may be subject to administrative sanctions.]

13 4–512.

14 (a) Whenever a hospital refers an individual who is dead or whose death is
15 imminent to a procurement organization to ascertain whether the individual has made an
16 anatomical gift, the organization shall make a reasonable search of any **NATIONAL AND**
17 **LOCAL** donor registry that [the hospital knows] exists for the geographical area in which
18 the individual resides.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.