#### J1, N2

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By: Delegate Sample-Hughes Delegates Sample-Hughes, Pendergrass, Pena-Melnyk, Bagnall, Belcastro, Bhandari, Carr, Chisholm, Cullison, Hill, Johnson, Kaiser, Kelly, Kerr, Kipke, Landis, R. Lewis, Morgan, Reilly, Rosenberg, Saab, Szeliga, and K. Young

Introduced and read first time: February 11, 2022 Assigned to: Health and Government Operations

Committee Report: Favorable with amendments House action: Adopted Read second time: March 13, 2022

CHAPTER \_\_\_\_\_

### 1 AN ACT concerning

### 2 Organ and Tissue Donation Awareness Fund – Annual Funding and Extension

- FOR the purpose of altering, beginning in a certain fiscal year, the annual amount to be
  distributed from the Organ and Tissue Donation Awareness Fund to a certain
  qualified nonprofit entity; requiring the Governor to include in the annual budget
  bill for certain fiscal years a certain appropriation to the Organ and Tissue Donation
  <u>Awareness Fund</u>; extending the termination date for certain provisions of law
  governing the distribution of money from the Fund; and generally relating to the
  Organ and Tissue Donation Awareness Fund.
- 10 BY repealing and reenacting, without amendments,
- 11 Article Estates and Trusts
- 12 Section 4-516(a) and (b)
- 13 Annotated Code of Maryland
- 14 (2017 Replacement Volume and 2021 Supplement)
- 15 BY repealing and reenacting, with amendments,
- 16 Article Health General
- 17 Section 13–901
- 18 Annotated Code of Maryland
- 19 (2019 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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



1 BY repealing and reenacting, with amendments,

- 2 Chapter 444 of the Acts of the General Assembly of 2018
- 3 Section 2

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

## **Article – Estates and Trusts**

7 4–516.

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8 (a) In this section, "qualified nonprofit entity" means a procurement organization 9 exempt from taxation under § 501(c)(3) of the Internal Revenue Code or an entity exempt 10 from taxation under § 501(c)(3) of the Internal Revenue Code that actively functions in a 11 supporting relationship to one or more procurement organizations if the procurement 12 organization or other entity has a board of directors whose members are experienced in:

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- (1) Organ, tissue, and eye donation;
- 14 (2) Working with donors and donor families; and

15 (3) Educating the public about the importance of the process of organ, 16 tissue, and eye donation.

17 (b) (1) The Secretary of Health shall contract with a qualified nonprofit entity 18 for the establishment, maintenance, and operation of a donor registry.

19 (2) The Secretary of Health shall use funds from the Organ and Tissue 20 Donation Awareness Fund as required under § 13–901 of the Health – General Article and 21 any other funds as may be appropriate to compensate the nonprofit entity contracted with 22 under paragraph (1) of this subsection for the reasonable cost of establishing, maintaining, 23 and operating the donor registry, including the reasonable cost of public education 24 programs to increase public awareness about the existence and purpose of the registry and 25 organ, tissue, and eve donation.

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# Article – Health – General

- 27 13–901.
- 28 (a) (1) There is an Organ and Tissue Donation Awareness Fund.
- 29 (2) The Fund consists of money:
- 30 (I) MONEY collected under § 16–111.2(f) of the Transportation 31 Article; AND

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1(II)FUNDS APPROPRIATED IN ACCORDANCE WITH SUBSECTION2(C) OF THIS SECTION.

- 3 (3) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of 4 the State Finance and Procurement Article.
- 5 (4) The State Treasurer shall separately hold and the State Comptroller 6 shall account for the Fund.
- 7 (5) The Fund shall be invested and reinvested in the same manner as other8 State funds.
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(6) Any investment earnings shall be retained to the credit of the Fund.

10 (b) (1) The Fund shall be managed and supervised by the Secretary or the 11 Secretary's designee.

12 (2) (i) The Fund shall be used to promote public education and 13 awareness about organ, tissue, and eye donations and to fund the establishment, operation, 14 and maintenance of a donor registry as provided in § 4–516 of the Estates and Trusts 15 Article.

16 (ii) 1. [At] **BEGINNING IN FISCAL YEAR 2024, AT** least 17 [\$400,000] **\$500,000** shall be distributed annually from the Fund to the qualified nonprofit 18 entity described in § 4–516 of the Estates and Trusts Article.

19 2. Any unused funds distributed to the qualified nonprofit 20 entity under subsubparagraph 1 of this subparagraph shall revert to the Fund at the end 21 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.

# <u>(c)</u> For each of fiscal years 2024 through 2027, the Governor <u>SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION TO THE FUND IN</u> <u>AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN:</u>

# 27(1)THE FUNDSCOLLECTEDUNDER§16–111.2(F)OFTHE28TRANSPORTATIONARTICLE IN THE SECOND IMMEDIATELY PRECEDING FISCAL29YEAR; AND

- 30 <u>(2)</u> <u>\$500,000.</u>
  - Chapter 444 of the Acts of 2018

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 2 October 1, 2018. It shall remain effective for a period of [5] 9 years and, at the end of 3 September 30, [2023] **2027**, this Act, with no further action required by the General 4 Assembly, shall be abrogated and of no further force and effect.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 6 1, 2022. It shall remain effective until the taking effect of the termination provision 7 specified in Section 2 of Chapter 444 of the Acts of the General Assembly of 2018. If that 8 termination provision takes effect, this Act, with no further action required by the General 9 Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.

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