

HOUSE BILL 691

J1, N2

8lr0317

By: ~~Delegates Pena–Melnyk, Kelly, Sample–Hughes, Tarlau, Valentino–Smith, and K. Young~~ **K. Young, and Hill**

Introduced and read first time: January 31, 2018

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2018

CHAPTER _____

1 AN ACT concerning

2 **Organ and Tissue Donation Awareness Fund – Donor Registry – Annual**
3 **Funding**

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

12 BY repealing and reenacting, without amendments,

13 Article – Estates and Trusts

14 Section 4–516(a)

15 Annotated Code of Maryland

16 (2017 Replacement Volume)

17 BY repealing and reenacting, with amendments,

18 Article – Estates and Trusts

19 Section 4–516(b)

20 Annotated Code of Maryland

21 (2017 Replacement Volume)

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 BY repealing and reenacting, with amendments,
2 Article – Health – General
3 Section 13–901
4 Annotated Code of Maryland
5 (2015 Replacement Volume and 2017 Supplement)

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

8 **Article – Estates and Trusts**

9 4–516.

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

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

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

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

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

21 (2) The Secretary of Health shall use funds from the Organ and Tissue
22 Donation Awareness Fund [established under Title 13, Subtitle 9] **AS REQUIRED UNDER**
23 **§ 13–901** of the Health – General Article [or] **AND** any other funds as may be appropriate
24 to compensate the nonprofit entity contracted with under paragraph (1) of this subsection
25 for the reasonable cost of establishing, maintaining, and operating the donor registry,
26 including the reasonable cost of public education programs to increase public awareness
27 about the existence and purpose of the registry and organ, tissue, and eye donation.

28 **Article – Health – General**

29 13–901.

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

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

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

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

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

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

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

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

14 (II) **1. AT LEAST \$400,000 SHALL BE DISTRIBUTED**
15 **ANNUALLY FROM THE FUND TO THE QUALIFIED NONPROFIT ENTITY DESCRIBED IN**
16 **§ 4–516 OF THE ESTATES AND TRUSTS ARTICLE.**

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2018. It shall remain effective for a period of 5 years and, at the end of September
24 30, 2023, this Act, with no further action required by the General Assembly, shall be
25 abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.