

HOUSE BILL 691

J1, N2

8lr0317

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

Introduced and read first time: January 31, 2018

Assigned to: Health and Government Operations

A BILL ENTITLED

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; and generally relating to the Organ and Tissue Donation
9 Awareness Fund and a certain donor registry.

10 BY repealing and reenacting, without amendments,
11 Article – Estates and Trusts
12 Section 4–516(a)
13 Annotated Code of Maryland
14 (2017 Replacement Volume)

15 BY repealing and reenacting, with amendments,
16 Article – Estates and Trusts
17 Section 4–516(b)
18 Annotated Code of Maryland
19 (2017 Replacement Volume)

20 BY repealing and reenacting, with amendments,
21 Article – Health – General
22 Section 13–901
23 Annotated Code of Maryland
24 (2015 Replacement Volume and 2017 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Estates and Trusts**

2 4–516.

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

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

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

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

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

14 (2) The Secretary of Health shall use funds from the Organ and Tissue
15 Donation Awareness Fund [established under Title 13, Subtitle 9] **AS REQUIRED UNDER**
16 **§ 13–901** of the Health – General Article [or] **AND** any other funds as may be appropriate
17 to compensate the nonprofit entity contracted with under paragraph (1) of this subsection
18 for the reasonable cost of establishing, maintaining, and operating the donor registry,
19 including the reasonable cost of public education programs to increase public awareness
20 about the existence and purpose of the registry and organ, tissue, and eye donation.

21 **Article – Health – General**

22 13–901.

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

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

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

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

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

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

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

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

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

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2018.