

SENATE BILL 574

J1, N2

2lr2435

By: **Senator Klausmeier**

Introduced and read first time: February 2, 2022

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 2022

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of altering, beginning in a certain fiscal year, the annual amount to be
4 distributed from the Organ and Tissue Donation Awareness Fund to a certain
5 qualified nonprofit entity; requiring the Governor to include in the annual budget
6 bill for certain fiscal years a certain appropriation to the Organ and Tissue Donation
7 Awareness Fund; extending the termination date for certain provisions of law
8 governing the distribution of money from the Fund; and generally relating to the
9 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)

20 BY repealing and reenacting, with amendments,
21 Chapter 444 of the Acts of the General Assembly of 2018
22 Section 2

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

3 **Article – Estates and Trusts**

4 4–516.

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

- 10 (1) Organ, tissue, and eye donation;
- 11 (2) Working with donors and donor families; and
- 12 (3) Educating the public about the importance of the process of organ,
13 tissue, and eye donation.

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

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

23 **Article – Health – General**

24 13–901.

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

26 (2) The Fund consists of ~~money~~;

27 **(I) MONEY** collected under § 16–111.2(f) of the Transportation
28 **Article; AND**

29 **(II) FUNDS APPROPRIATED IN ACCORDANCE WITH SUBSECTION**
30 **(C) OF THIS SECTION.**

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

3 (4) The State Treasurer shall separately hold and the State Comptroller
4 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] **BEGINNING IN FISCAL YEAR 2024, AT** least
15 **[\$400,000] \$500,000** shall be distributed annually from the Fund to the qualified nonprofit
16 entity described in § 4–516 of the Estates and Trusts Article.

17 2. Any unused funds distributed to the qualified nonprofit
18 entity under subparagraph 1 of this subparagraph shall revert to the Fund at the end
19 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 **(C) FOR EACH OF FISCAL YEARS 2024 THROUGH 2027, THE GOVERNOR**
23 **SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION TO THE FUND IN**
24 **AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN:**

25 **(1) THE FUNDS COLLECTED UNDER § 16–111.2(F) OF THE**
26 **TRANSPORTATION ARTICLE IN THE SECOND IMMEDIATELY PRECEDING FISCAL**
27 **YEAR; AND**

28 **(2) \$500,000.**

29 **Chapter 444 of the Acts of 2018**

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.