

# SENATE BILL 265

N2, J1  
SB 869/20 – JPR

(PRE-FILED)

1lr1231  
CF HB 301

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By: **Senator Waldstreicher**

Requested: October 29, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

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  
22 Section 4–510  
23 Annotated Code of Maryland  
24 (2017 Replacement Volume and 2020 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Estates and Trusts**

2 4–509.

3 (a) An anatomical gift may be made to the following persons named in a document  
4 of gift:5 (1) A hospital, an accredited medical school, a dental school, a college or  
6 university, an organ procurement organization, the State Anatomy Board, or a  
7 nontransplant tissue bank for research, training, or education;8 (2) Subject to subsection (b) of this section, if the individual is the recipient  
9 of the part, an individual designated by the person making the anatomical gift; or

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

11 (e) If an anatomical gift of one or more specific parts is made in a document of gift  
12 that does not name a person described in subsection (a) of this section and does not identify  
13 the purpose of the gift, the gift passes in accordance with subsection (g) of this section [and  
14 may be used only for transplantation or therapy].15 (f) If a document of gift specifies only a general intent to make an anatomical gift  
16 by words such as “donor”, “organ donor”, or “body donor”, or by a symbol or statement of  
17 similar import, the gift passes in accordance with subsection (g) of this section and may be  
18 used [only] for transplantation, **RESEARCH, EDUCATION**, or therapy.19 (g) For purposes of subsections (b), (e), and (f) of this section, the following  
20 provisions apply:

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

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

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

25 [4–510.

26 (a) The following persons shall make a reasonable search of an individual who  
27 the person reasonably believes is dead or whose death is imminent for a document of gift  
28 or any other information identifying the individual as a donor or as an individual who made  
29 a refusal:30 (1) A law enforcement officer, firefighter, paramedic, or any other  
31 emergency rescuer finding the individual; and

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

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

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

9 4-512.

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

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