

2011 -- S 0841

LC00087

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO HEALTH AND SAFETY -- ADVISORY COUNCIL ON ORGAN AND
TISSUE DONATIONS AND TRANSPLANTS

Introduced By: Senators Algiere, Maher, and Ottiano

Date Introduced: April 12, 2011

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 18.6.2

4 RHODE ISLAND ADVISORY COUNCIL ON ORGAN AND TISSUE DONATIONS AND

5 TRANSPLANTS

6 **23-18.6.2-1. Advisory council on organ and tissue donations and transplants. – (a)**

7 There shall be an advisory council on organ and tissue donations and transplants consisting of the
8 director of the department of health, the director of the department of revenue, the director of the
9 division of motor vehicles, the president of the Rhode Island medical society, a representative of
10 the federally designated organ procurement organization serving Rhode Island, a representative
11 from the Rhode Island donor awareness coalition, and five (5) persons experienced in the field of
12 organ and tissue donations or transplants to be appointed by the governor, at least one of whom
13 shall be a recipient of a donated organ or tissue, at least one of whom shall be a donor or a family
14 member of a donor, and at least one of whom shall be a physician experienced in organ and tissue
15 transplantation.

16 (b) The term of all appointed members shall be three (3) years and no member shall be
17 appointed to serve more than two (2) consecutive terms. Upon the expiration of the term of any
18 appointed member, a successor shall be appointed in a like manner for a term of three (3) years.

1 (c) The governor shall annually designate the chairperson of the council from among its
2 members. The council shall meet at least four (4) times each year, and shall convene special
3 meetings at the call of the chairperson or a majority of the members of the council. The council
4 shall make an annual report to the governor, that shall include an account of all actions taken to
5 further organ and tissue donation, and shall file a copy of the report with the secretary of state, the
6 clerk of the senate and the clerk of the house of representatives. Members of the council shall
7 serve without compensation.

8 (d) The advisory council shall:

9 (1) Assist the director of the department of health in coordinating the efforts of all public
10 and private agencies within the state concerned with the donation and transplantation of human
11 organs and tissues;

12 (2) Advise the director of the department of health on policy and priorities of need in the
13 state for a comprehensive program relative to organ and tissue donations and transplants;

14 (3) Assist the director of the department of health in developing strategies to increase
15 organ and tissue donation by any means which the council and director may find effective, the
16 funding for which shall come from the organ and tissue donor registration fund established by
17 this chapter; and

18 (4) Establish numerical goals for increasing organ and tissue donation rates in the state,
19 which shall include a baseline account of current organ and tissue donation rates, as well as
20 periodic benchmarks for success. The division of motor vehicles shall provide monthly donor
21 designation rates for the advisory council in order to assist in identifying goals.

22 **23-18.6.2-2. Organ and tissue donor registration fund established.** – (a) There is
23 hereby established and created an organ and tissue donor registration fund to facilitate the
24 registration of residents as organ and tissue donors. The fund shall consist of revenues collected
25 by the state:

26 (1) Pursuant to section 31-10-26.1; and

27 (2) From public and private sources as gifts, grants, and donations to facilitate the
28 registration of residents as organ and tissue donors.

29 (b) All revenues credited under this section shall remain in the organ and tissue donor
30 registration fund, not subject to appropriation, to facilitate the registration of organ and tissue
31 donors and to support any reasonable and necessary administrative costs incurred by the
32 department of health, not to exceed three percent (3%) per annum of the funds held in the fund in
33 a given state fiscal year, in coordinating with the advisory council established in section 23-
34 18.6.2-1 to carry out the responsibilities of the council. The state treasurer shall not deposit or

1 otherwise transfer the revenues to the general fund or any other fund.

2 (c) The state treasurer shall deposit the moneys in the fund in a manner that will secure
3 the highest interest available consistent with the safety of the fund and with the requirement that
4 all amounts on deposit shall be available for immediate withdrawal at all times. The fund shall be
5 expended at the direction of the director of the department of health only for the purposes stated
6 in this chapter and any unexpended balances in the fund at the end of the fiscal year shall not
7 revert and shall be available for expenditures in the subsequent fiscal year.

8 SECTION 2. Section 31-10-26.1 of the General Laws in Chapter 31-10 entitled
9 "Operators' and Chauffeurs' Licenses" is hereby amended to read as follows:

10 **31-10-26.1. Anatomical gifts by drivers.** -- (a) The division of motor vehicles shall
11 cause to be sent to each person applying for or renewing a license, as provided for in section 31-
12 10-26, a document containing a summary description and explanation of the Revised Uniform
13 Anatomical Gift Act, chapter 18.6.1 of title 23.

14 (b) The division of motor vehicles may, on behalf of the state accept and deposit with the
15 general treasurer, for deposit into the organ and tissue donor registration fund established
16 pursuant to section 23-18.6.2-2, any grant, gift, or contribution made to assist in meeting the cost
17 of carrying out the purposes of this section and to expend the grant, gift, or contribution for those
18 purposes.

19 (c) The division of motor vehicles may make and sign any agreements and may do and
20 perform any and all acts which may be necessary or desirable to carry out the purposes of this
21 section.

22 (d) The division of motor vehicles shall issue special licenses upon request of a licensee
23 which conform to the provisions of the Revised Uniform Anatomical Gift Act, chapter 18.6.1 of
24 title 23.

25 (e) Neither the administrator of the division of motor vehicles nor any employee of the
26 state shall be liable in any suit for damages as a result of his or her acts or omissions or for any
27 action under the provisions of this section.

28 (f) The division of motor vehicles shall cause to be posted in all of its customer service
29 locations a sign or other material encouraging persons to make anatomical gifts during the
30 process of issuing and renewing licenses provided for in section 31-10.1-1 and in accordance
31 with the Revised Uniform Anatomical Gift Act, chapter 18.6.1 of title 23.

32 (g) The division of motor vehicles shall cause to be produced application forms and
33 renewal forms for driver's licenses and nonoperator identification cards that clearly offer Rhode
34 Island residents the option to consent to organ and tissue donation in accordance with section 31-

1 10.1-8. Only a "yes" or affirmative response will be noted. Information held by the division of
2 motor vehicles regarding a person's consent to donate shall constitute the "Rhode Island Donor
3 Registry." This information will be made available to all federally designated organ procurement
4 organizations and law enforcement organizations twenty-four (24) hours a day via a password
5 protected Internet connection and will only be used to facilitate anatomical gifts in accordance
6 with the Revised Uniform Anatomical Gift Act, chapter 23-18.6.1.

7 (h) The division of motor vehicles shall develop by January 1, 2008 a method that
8 requires written consent and confirmation to allow residents of Rhode Island to have their names
9 accurately added to or deleted from the division's Rhode Island Donor Registry in the periods
10 between mandated driver's license renewals. Persons added to the Donor Registry in this manner
11 shall be considered as having made a document of gift.

12 (i) The division of motor vehicles shall include in any license application and renewal
13 process an option for the person applying or renewing to donate, in addition to the fees for license
14 applications or renewals, two dollars (\$2.00) or more to the organ and tissue donor registration
15 fund established pursuant to section 23-18.6.2-2. The division of motor vehicles shall annually
16 report the total amount designated under this section to the state treasurer who shall credit that
17 amount to the organ and tissue donor registration fund.

18 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO HEALTH AND SAFETY -- ADVISORY COUNCIL ON ORGAN AND
TISSUE DONATIONS AND TRANSPLANTS

- 1 This act would establish the Rhode Island advisory council on organ and tissue donations
- 2 and transplants and would also create the organ and tissue donor registration fund.
- 3 This act would take effect upon passage.

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