

Doug Owens proposes the following substitute bill:

Organ Donation Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Owens

Senate Sponsor: Calvin R. Musselman

LONG TITLE

General Description:

This bill addresses public awareness of organ donation and opportunities for individuals to register as organ donors.

Highlighted Provisions:

This bill:

- requires or encourages information about the option and process to register as an organ donor, to be provided in connection with or in certain circumstances related to:
 - the Division of Wildlife Resources' website;
 - intake at a health care facility;
 - a preneed funeral arrangement contract; and
 - individual income tax instructions booklets and the State Tax Commission's website;
- requires the Department of Health and Human Services to convene a coalition of life-saving programs and create a comprehensive plan for communicating about those programs through state-owned channels; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53B-1-111, as last amended by Laws of Utah 2023, Chapter 328

58-9-701, as last amended by Laws of Utah 2012, Chapter 30

59-10-103.1, as last amended by Laws of Utah 2022, Chapter 258

ENACTS:

23A-1-207, Utah Code Annotated 1953

30 **26B-1-436**, Utah Code Annotated 1953

31 **26B-2-244**, Utah Code Annotated 1953

32

33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **23A-1-207** is enacted to read:

35 **23A-1-207 . Organ donation.**

36 (1) As used in this section:

37 (a) "Donor" means the same as that term is defined in Section 26B-8-301.

38 (b) "Donor registry" means the same as that term is defined in Section 26B-8-301.

39 (2) On the division's website, the division shall provide:

40 (a) information about the option to register as a donor; and

41 (b) a link to a website for a donor registry where an individual can register as a donor.

42 (3) The requirements in Subsection (2) do not apply if the division provides information on
43 the division's website in connection with a comprehensive plan described in Section
44 26B-1-436.

45 Section 2. Section **26B-1-436** is enacted to read:

46 **26B-1-436 . Life-saving programs coalition and plan.**

47 (1) As used in this section:

48 (a) "Comprehensive plan" means a comprehensive plan described in Subsection (3).

49 (b) "Director" means an executive director, director, commissioner, general manager, or
50 other similar position who has ultimate responsibility for the operation of a state
51 entity.

52 (c) "State publication channel" means a website or publication of a state entity that:

53 (i) the public accesses, uses, or interacts with in significant volume; and

54 (ii) is approved for use in connection with a comprehensive plan by the director of
55 the state entity that controls the website or publication, or the director's designee.

56 (2) To maximize the opportunity to save lives in the state, the department shall convene a
57 coalition of state-funded and state-sponsored life-saving programs.

58 (3) The department shall create a comprehensive plan, including best practices and
59 principles, for utilizing state publication channels to communicate information about
60 life-saving programs to the public.

61 (4) The coalition's comprehensive plan may include a schedule coordinating when each
62 life-saving program is promoted through state publication channels, which may also
63 coordinate with promotional periods or commemorative periods declared by the

governor, and may address the allocation of costs.

Section 3. Section **26B-2-244** is enacted to read:

26B-2-244 . Organ donation.

(1) As used in this section:

(a) "Donor" means the same as that term is defined in Section 26B-8-301.

(b) "Donor registry" means the same as that term is defined in Section 26B-8-301.

(c) "Intake" means the initial process by which a health care facility collects demographic, social, clinical, or other similar data from a patient.

(2) A health care facility licensed under this part shall, as part of intake or as soon as reasonably possible after intake:

(a) ask if the patient is a donor;

(b) if the patient is not a donor, ask if the patient would like to become a donor; and

(c) if the patient wishes to become a donor, provide information about how to access a donor registry established under Section 26B-8-319.

Section 4. Section **53B-1-111** is amended to read:

53B-1-111 . Organ donation notification.

(1) As used in this section:

(a) "Donor" means the same as that term is defined in Section [~~26B-4-137~~] 26B-8-301.

(b) "Donor registry" means the same as that term is defined in Section [~~26B-4-137~~] 26B-8-301.

(c) "Institution of higher education" means an institution as described in Section 53B-3-102.

(2)(a) An institution of higher education shall distribute, twice each academic year to each enrolled student:

(i) an electronic message notifying each student of the option to register as a donor by selecting the Internet link described in Subsection (2)(a)(ii); and

(ii) through the electronic message described in Subsection (2)(a)(i) an Internet link to a website for a donor registry established under Section 26B-8-319.

(b) An institution of higher education may also provide to students information on donor registry by other electronic, printed, or in-person means.

Section 5. Section **58-9-701** is amended to read:

58-9-701 . Preneed contract requirements.

(1)(a) A preneed funeral arrangement sold in Utah shall be evidenced by a written contract.

(b) The funeral service establishment shall maintain a copy of the contract until five years after all of the establishment's obligations under the contract have been executed.

(c) At the same time a sales agent or funeral service director provides a written contract of a preneed funeral arrangement to a buyer, the sales agent or funeral director shall distribute to the buyer a written or electronic message notifying the buyer of the option to register as a donor, as that term is defined in Section 26B-8-301, and providing instructions for accessing a donor registry established under Section 26B-8-319.

(2) The form for a written contract of a preneed funeral arrangement under Subsection (1) shall:

(a) be written in clear and understandable language printed in an easy-to-read type size and font;

(b) bear the preprinted name, address, telephone number, and license number of the funeral service establishment obligated to provide the services under the contract terms;

(c) clearly identify that the contract is a guaranteed product contract;

(d) provide that a trust is established in accordance with the provisions of Section 58-9-702;

(e) if the contract is funded by an insurance policy or product, provide that the insurance policy or product is filed with the Insurance Department and meets the requirements of Title 31A, Insurance Code; and

(f) conform to other standards created by rules made by division under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to protect the interests of buyers and potential buyers.

(3) A preneed funeral arrangement contract shall provide for payment by the buyer in a form which may be liquidated by the funeral service establishment within 30 days after the day the funeral service establishment or sales agent receives the payment.

(4) A preneed funeral arrangement contract may not be revocable by the funeral service establishment except:

(a) in the event of nonpayment; and

(b) under terms and conditions clearly set forth in the contract.

(5)(a) A preneed funeral arrangement contract may not be revocable by the buyer or beneficiary except:

(i) in the event of:

(A) a substantial contract breach by the funeral service establishment; or

(B) substantial evidence that the funeral service establishment is or will be unable

to provide the personal property or services to the beneficiary as provided

under the contract; or

(ii) under terms and conditions clearly set forth in the contract.

(b) The preneed funeral arrangement contract shall contain a clear statement of the

manner in which payments made on the contract shall be refunded to the buyer or

beneficiary upon revocation by the beneficiary.

(6)(a) A preneed funeral arrangement contract shall provide the buyer the option to

require the funeral service establishment to furnish a written disclosure to a person

who does not live at the same residence as the buyer.

(b) The preneed funeral arrangement buyer may choose:

(i) a full disclosure containing a copy of the entire preneed funeral arrangement

contract;

(ii) a partial disclosure informing the recipient of:

(A) the existence of a preneed funeral arrangement contract; and

(B) the name, address, telephone number, and license number of the funeral

service establishment obligated to provide the services under the preneed

funeral arrangement contract; or

(iii) not to require the funeral service establishment to furnish a written disclosure to

another person.

Section 6. Section **59-10-103.1** is amended to read:

59-10-103.1 . Information to be contained on individual income tax returns or booklets.

(1) The commission shall print the phrase "all state income tax dollars support education, children, and individuals with disabilities" on:

(a) the first page of an individual income tax return; and

(b) the cover page of an individual income tax forms and instructions booklet.

(2) The commission shall include on an individual income tax return a statement for a

property owner to declare that the property owner no longer qualifies to receive a

residential exemption authorized under Section 59-2-103 for that property owner's

primary residence.

(3)(a) The commission shall include in each instruction booklet information about the

option to register as a donor, as that term is defined in Section 26B-8-301, and
instructions for accessing a donor registry established under Section 26B-8-319.

(b) The commission shall include on the commission's website information about the
option to register as a donor, as that term is defined in Section 26B-8-301, and a link
to a website for a donor registry established under Section 26B-8-319.

(c) The requirements in Subsections (3)(a) and (b) do not apply if the commission
provides information in each instruction booklet and on the commission's website in
connection with a comprehensive plan described in Section 26B-1-436.

Section 7. **Effective Date.**

This bill takes effect on May 7, 2025.