STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2869 By: Paulk

AS INTRODUCED

An Act relating to public health and organ donations; amending 63 O.S. 1991, Sections 2202 and 2204, which relate to the Uniform Anatomical Gift Act; adding definitions; authorizing certain agreements for the transfer of donated organs to out-of-state transplant recipients; establishing certain conditions for the agreement; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 1991, Section 2202, is amended to read as follows:

Section 2202. ~~(a)~~ 1. "Bank or storage facility" means a facility licensed, accredited, or approved under the laws of any state for storage of human bodies or parts thereof~~.~~;

~~(b)~~ 2. "Decedent" means a deceased individual and includes a stillborn infant or fetus~~.~~;

~~(c)~~ 3. "Donor" means an individual who makes a gift of all or part of his body~~.~~;

~~(d)~~ 4. "Hospital" means a hospital licensed, accredited, or approved under the laws of any state; including a hospital operated

by the United States government, a state, or a subdivision thereof, although not required to be licensed under state laws~~.~~;

~~(e)~~ 5. "Part" means organs, tissues, eyes, bones, arteries, blood, other fluids and any other portions of a human body~~.~~;

~~(f)~~ 6. "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity~~.~~;

~~(g)~~ 7. "Physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any state~~.~~;

~~(h)~~ 8. "State" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America~~.~~;

9. "Designated organ procurement organization" means an organization that is designated by the United States Department of Health and Human Services, or its successor, to perform or coordinate the surgical recovery, preservation, and transportation of organs and that allocates organs to prospective recipients; and

10. "Reciprocal agreement" means an agreement to return to the recipient pool in Oklahoma an organ that is deemed locally acceptable for transplantation.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 2204, is amended to read as follows:

Section 2204. A. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

1. Any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy or transplantation;

2. Any accredited medical or dental school, college or university for education, research, advancement of medical or dental science or therapy;

3. The designated Oklahoma organ procurement organization;

4. Any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy or transplantation;

~~4.~~ 5. Any specified individual for therapy or transplantation needed by him; or

~~5.~~ 6. The Anatomical Board of the State of Oklahoma.

B. Any donee receiving a whole body donation from any source shall have approval from the Anatomical Board of the State of Oklahoma prior to receiving such donation.

1. Subject to the provisions of paragraph 2 of this subsection, if, in the best judgment of the designated Oklahoma organ procurement organization, it is appropriate to allocate an organ to a patient awaiting transplantation outside of the State of Oklahoma, that the organization shall have the authority to enter into such vascular organ sharing arrangements as may be deemed advisable, necessary or expedient. The terms of such vascular organ sharing agreement shall provide that a vascular organ recovered in Oklahoma shall not be transferred to an out-of-state organ procurement organization and transplanted there into a suitable recipient before such vascular organ is offered and placed into a suitable recipient located in Oklahoma, unless there is a reciprocal agreement by which the recipient pool of patients awaiting transplantation in Oklahoma receive an organ deemed locally acceptable for transplantation in return for the organ sent out of the state.

2. The designated Oklahoma organ procurement organization may only transfer a vascular organ to an out-of-state organ procurement organization or suitable out-of-state recipient for transplantation if one of the following requirements is met:

a. a suitable recipient in the State of Oklahoma cannot be found in the amount of time necessary to preserve the organ, or

b. the designated Oklahoma organ procurement organization has a reciprocal agreement as provided by paragraph 1 of this subsection.

SECTION 3. This act shall become effective November 1, 1998.

46-2-8537 CLD