ENROLLED SENATE
BILL NO. 1528

By: Williams of the Senate

and

Roach of the House

An Act relating to public health and safety; creating the Oklahoma Organ Donor Education and Awareness Program Act; stating short title; stating purpose of act; establishing the Organ Donor Education and Awareness Program Advisory Council; providing for membership, terms, appointments, removal, vacancies, election of officers, adoption of rules, meetings, quorum and travel reimbursement; allowing State Commissioner of Health to employ specified staff; limiting cost of administration of act; requiring Advisory Council to assist specified agencies in development of organ donor education awareness programs; requiring Advisory Council to recommend priorities in expenditures from specified fund; authorizing duties of Advisory Council; requiring submission of annual report; creating fund; stating contents of fund; appropriating monies accruing to fund; authorizing specified uses of monies in fund; requiring annual evaluation of effect of curriculum of certain educational institutions on specified subject; limiting expenditures from reserve fund account; allowing acceptance of bequests and grants by fund; prohibiting monies from specified fund to replace services provided by state agencies; allowing designation of contribution on state income tax return and providing procedures thereto; allowing voluntary contribution upon purchase of specified licenses or other services offered by the Department of Public Safety and providing procedures thereto; requiring development and implementation of specified curriculum in elementary and secondary schools; requiring promulgation of specified rules; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2220.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the “Oklahoma Organ Donor Education and Awareness Program Act”.

There is hereby created the Organ Donor Education and Awareness Program, the purpose of which shall be to promote and encourage organ donor education and awareness in this state.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2220.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established within the State Department of Health the Organ Donor Education and Awareness Program Advisory Council which shall consist of the following members appointed by the Governor, with the advice and consent of the Senate:

1. One representative from an organ procurement organization in this state that is certified by the United States Department of Health and Human Services;

2. One representative from a tissue procurement organization in this state that is certified by a national association of tissue banks;

3. One representative from an Oklahoma eye bank that is certified by a national eye bank enucleation organization;

4. Four members representing organ, tissue and eye recipients and their relatives, or donors and relatives of donors who are residents of this state; provided, however, such appointments shall be geographically representative of the four regions of the state;

5. One representative from an Oklahoma transplant center that is a member of a national organ procurement network; and

6. Three at-large members who have demonstrated an interest in organ donor education and awareness and who are residents of this state.

B. 1. Of the initial appointments made to the Oklahoma Organ Donor Education and Awareness Program Advisory Council pursuant to the provisions of subsection A of this section, the Governor shall designate four members to serve terms of four (4) years, four members to serve terms of three (3) years, and three members to serve terms of two (2) years. After the initial appointments, members appointed to the Advisory Council shall serve terms of four (4) years. Members shall serve until successors are appointed and qualified. A member may be removed by the Governor for cause. Members may serve no more than two full terms consecutively. A vacancy on the Advisory Council shall be filled in the same manner as the original appointment, for the unexpired portion of the term.

2. The Advisory Council shall elect from among its membership a chair and a vice-chair and shall adopt procedures for the governance of its operations. The Advisory Council shall meet at least semiannually. Six members shall constitute a quorum for the transaction of business.

3. Members of the Advisory Council shall receive no compensation for their services but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties by the State Department of Health pursuant to the provisions of the State Travel Reimbursement Act.

4. The State Commissioner of Health may employ such staff as necessary to carry out the provisions of this act; provided, however, the cost of administration of this act shall not exceed twenty percent (20%) of the total funds credited to the Organ Donor Education and Awareness Program Fund created in Section 3 of this act, including administrative fees paid to the Oklahoma Tax Commission and the Commissioner for Public Safety pursuant to the provisions of Sections 4 and 5 of this act.

C. The Oklahoma Organ Donor Education and Awareness Program Advisory Council shall assist the State Department of Health and the State Department of Education in the development of organ donor education awareness programs to educate the general public on the importance of organ donation and shall recommend priorities in the expenditures from the Oklahoma Organ Donor Education and Awareness Program Fund.

D. In administering this act, the Advisory Council is authorized, but not limited to:

1. Develop and implement educational programs and campaigns to increase organ donation in Oklahoma;

2. Make policy recommendations for the promotion of organ donation in Oklahoma;

3. Recommend priorities in the expenditures from the Oklahoma Organ Donor Education Program Fund;

4. Accept and hold property; and

5. Utilize local resources including volunteers when appropriate.

E. The Advisory Council shall annually submit to the Governor and the Legislature a report detailing its expenditures of fund monies, its activities, the status of organ donation in the state, and any recommendations for legislative changes by the first day of December beginning December 1, 2002.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2220.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund for the State Department of Health, to be designated the "Oklahoma Organ Donor Education and Awareness Program Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health from:

1. Any state monies appropriated for the purpose of implementing the provisions of the Oklahoma Organ Donor Education and Awareness Program Act; and

2. Any monies collected pursuant to this section or any other monies available to the State Department of Health to implement the provisions of the Oklahoma Organ Donor Education and Awareness Program Act.

B. All monies accruing to the credit of the fund are hereby appropriated and shall be budgeted and expended to promote and encourage organ donor education and awareness.

C. Monies credited to the fund, excluding administrative fees paid to the Oklahoma Tax Commission, may be used for, but are not limited to:

1. Administration of the Act, including, but not limited to, personnel and Advisory Council expenses;

2. Development and promotion of organ donor public education and awareness programs in cooperation with the Oklahoma Organ Sharing Network including, but not limited to, the American Red Cross and the Oklahoma Lions Eye Bank;

3. To assist in the publication of information pamphlets or booklets by the State Department of Health and the State Superintendent of Public Instruction regarding organ donation and donations to the Oklahoma Organ Donor Education and Awareness Program Fund. The State Department of Health shall distribute such informational pamphlets or booklets to the Oklahoma Tax Commission for distribution to individuals when making a voluntary contribution pursuant to the state income tax check off provided for in Section 4 of this act;

4. Implementation of organ donor education and awareness programs in the elementary and secondary schools of this state by the State Department of Education in cooperation with the Oklahoma Organ Donor Education and Awareness Program Advisory Council;

5. Grants by the State Department of Health to certified organ procurement organizations for the development and implementation of organ donor education and awareness programs in this state;

6. Encouraging the incorporation of organ donor information into the medical and nursing school curriculums of the state's medical and nursing schools. If funds are provided to a university for this educational purpose, the university shall annually evaluate the extent to which the curriculum has affected the attitudes of its students and graduates with regard to organ donation and shall forward the evaluation results to the Advisory Council; and

7. A reserve fund in an interest-bearing account with five percent (5%) of the monies received by the fund annually to be placed in this account. No funds may be expended from the reserve fund account until the required balance has reached One Hundred Thousand Dollars ($100,000.00) and then these funds may only be used

in years when donations do not meet the average normal operating fee incurred by the fund, and funds are expended to meet expenses. Once the balance in the reserve fund account reaches One Hundred Thousand Dollars ($100,000.00), excess funds earned by interest, and yearly allocations may be used at the discretion of the Advisory Council to cover operating costs and to provide additional funds.

D. The fund may accept bequests and grants from individuals, corporations, organizations, associations, and any other source. The fund supplements and augments services provided by state agencies and does not take the place of such services.

E. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2220.4 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Each individual taxpayer required to file a state income tax return who desires to contribute to the Oklahoma Organ Donor Education and Awareness Program Fund, as created in Section 3 of this act, may designate the contribution on the appropriate income tax form. The contribution may not increase or decrease the income or liability of the taxpayer and may be made by reducing the income tax refund of a taxpayer by the amount designated or by accepting additional payment from the taxpayer by the amount designated, whichever is appropriate.

B. 1. Each Oklahoma individual income tax return form for tax years commencing after December 31, 2000, shall contain a designation for a contribution to the Oklahoma Organ Donor Education and Awareness Program Fund. The instructions accompanying the income tax form shall be provided to the Oklahoma Tax Commission by the State Department of Health and shall contain a description of the purpose for which the Oklahoma Organ Donor Education and Awareness Program Revolving Fund was established and information on the use of monies from the income tax contribution.

2. Taxpayers who are entitled to refunds shall have the refunds reduced by the amount designated pursuant to the provisions of paragraph 1 of this subsection. The Oklahoma Tax Commission shall annually determine the total amount designated plus the amount received in excess payments and shall report the total amount to the Office of the State Treasurer. The State Treasurer shall credit the total amount to the Oklahoma Organ Donor Education and Awareness Program Fund created in Section 3 of this act at the earliest possible time.

C. The incremental cost of administration of contributions shall be paid out of the fund to the Oklahoma Tax Commission from amounts received pursuant to this section before funds are expended for the purposes of the fund.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2220.5 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. 1. An applicant for a new or renewal driver license, commercial driver license, motorcycle driver license, identification card, issuance of a vehicle title or transfer of title, or issuance of a vehicle license plate shall be given an opportunity in writing to make a minimum voluntary contribution of One Dollar ($1.00) to be credited to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund established in Section 3 of this act. Any voluntary contribution shall be added to the driver license, identification card, title, or license plate fee and then be referred to the State Treasurer and credited to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund as provided in Section 3 of this act.

2. The donation prescribed in this section is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The Commissioner for Public Safety and the Oklahoma Tax Commission shall make available an information booklet or other informational sources on the importance of organ donation to applicants for licensure, as designed and provided by the State Department of Health and the State Superintendent of Public Instruction with the assistance of the Oklahoma Organ Donor Education and Awareness Program Advisory Council established in Section 2 of this act.

B. The Commissioner for Public Safety shall inquire of each applicant at the time of presentation of a completed license application whether the applicant is interested in making the one Dollar ($1.00) donation prescribed in subsection A of this section and whether the applicant is interested in being an organ donor. The Commissioner of Public Safety shall also specifically inform the licensee of the ability to make an organ donation by checking the organ donor box on the front of the driver license, commercial driver license or motorcycle driver license that the applicant will receive. The Commissioner of Public Safety shall notify the State Commissioner of Health regarding health information obtained from applicants who indicate that they are interested in being an organ donor.

C. The incremental cost of administration of contributions to the fund, not to exceed one percent (1%) of the monies received pursuant to the provisions of this section, shall be paid by the fund to the Commissioner for Public Safety and the Oklahoma Tax Commission from amounts received pursuant to the provisions of this section before funds are expended for the purposes of the fund.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2220.6 of Title 63, unless there is created a duplication in numbering, reads as follows:

The State Superintendent of Public Instruction shall develop and implement in conjunction with the State Department of Health and the Oklahoma Organ Donor Education and Awareness Program Advisory Council within the State Department of Health an organ donor

education and awareness curriculum for use in the elementary and secondary schools of this state. The State Board of Education shall promulgate rules to enact the provisions of this section not later than the 2001-2002 school year.

SECTION 7. This act shall become effective November 1, 2000.

Passed the Senate the 25th day of May, 2000.

President of the Senate

Passed the House of Representatives the 25th day of May, 2000.

Speaker of the House of Representatives