

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1628

By: Williams, Milacek, Coffee
and Herbert of the Senate

and

Vaughn and Paulk of the
House

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 2001, Sections 2220.1, 2220.3 and 2220.6, which relate to the Oklahoma Organ Donor Education and Awareness Program; creating and citing act; requiring promulgation of rules defining and governing grant funding; requiring teaching of organ donor education and awareness curriculum; limiting education curriculum content and specifying minimum frequency of instruction; requiring acquisition of certain curriculum and materials and allowing independent development of curriculum and materials; providing for parental inspection; providing that no student shall be required to participate in certain education without parental consent; specifying instructional content; requiring updates of material; establishing an Organ and Tissue Donor Registry; providing for confidentiality of registry information; specifying purpose of registry; requiring promulgation of rules in consultation with specified entity; specifying content of rules; providing for granting of leave of absence to certain state employees; providing for noninterruption of base state pay during such leave; prohibiting penalizing of employee; stating requirement regarding authorization of leave; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 2220.1, is amended to read as follows:

Section 2220.1 This act shall be known and may be cited as the "~~Oklahoma~~ Cheryl Selman Organ Donor Education and Awareness ~~Program~~ Act".

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

SECTION 2. AMENDATORY 63 O.S. 2001, Section 2220.3, is amended to read as follows:

Section 2220.3 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 (ODEAP) 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~~ Cheryl Selman 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~~ Cheryl Selman 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 Cheryl Selman Organ Donor Education and Awareness 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 Revolving Fund. The State Department of Health shall distribute such informational pamphlets or booklets to the Department of Public Safety for distribution to applicants for original, renewal, or replacement driver licenses and identification cards when making a voluntary contribution pursuant to Section 2220.5 of this title and 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 2220.4 of this title;

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, licensed tissue and eye banks, and other related community organizations for the development and implementation of organ donor education and awareness programs in this state. The State Board of Health, in consultation with the Advisory Council, shall promulgate rules defining and governing implementation of such grant funding;

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 3. AMENDATORY 63 O.S. 2001, Section 2220.6, is amended to read as follows:

Section 2220.6 A. 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.~~

B. The organ donor education and awareness curriculum shall be taught in Oklahoma public schools. Organ donor awareness education shall be limited to the facts and processes involved in

donation and transplantation. Students shall receive such education:

1. At the option of the local school district, a minimum of once during grades kindergarten through four;

2. A minimum of once during grades five through eight; and

3. A minimum of once during grades nine through twelve.

C. 1. The State Department of Education shall develop and acquire organ donor education and awareness curriculum and materials, in conjunction with the State Department of Health and the Organ Donor Education and Awareness Program Advisory Council within the State Department of Health, for use in the elementary and secondary schools in this state. A school district may also develop its own organ donation and awareness curriculum and materials.

2. a. School districts shall make the curriculum and materials that will be used to teach organ donation and awareness education available for inspection by the parents and guardians of the students that will be involved with the curriculum and materials.

b. No student shall be required to participate in organ donation and awareness education if the student's parent or legal guardian objects in writing to such participation.

D. Organ donation and awareness education shall specifically teach students to:

1. Identify organs and tissues which can be transplanted;

2. Identify reasons for donating organs and tissues;

3. Identify common misconceptions surrounding donation;

4. Identify laws pertaining to organ and tissue donation;

5. Discuss how organs are matched from donor to recipient; and

6. Discuss the donation process.

E. The State Department of Education, the State Department of Health and the Organ Donor Education and Awareness Program Advisory

Council within the State Department of Health shall update organ donation and awareness education curriculum material as newly discovered medical facts or changes in related federal or state law make it necessary.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2220.10 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. 1. There is hereby established an Organ and Tissue Donor Registry for this state to be administered by the State Department of Health. The registry shall maintain and update, as needed, pertinent information on all Oklahomans who have indicated a willingness to be an organ or tissue donor by a designation on a driver or commercial driver license or a motorcycle operator license, or a donor registry form. The registry shall be fully operational not later than July 1, 2003.

2. The registry and all information therein shall be confidential and subject to access only by the Department and designated organ procurement organizations, eye banks and tissue banks, operating in or serving Oklahoma, and which are members of the Governor's Advisory Council on the Organ Donor Education and Awareness Program (ODEAP), for the purpose of identifying a potential donor.

3. The purpose of the registry shall include, but not be limited to:

- a. providing a means of recovering an anatomical gift for transplantation or research, and
- b. collecting data to develop and evaluate the effectiveness of educational initiatives promoting organ, eye and tissue donation.

B. The State Board of Health, in consultation with ODEAP, shall promulgate rules necessary to administer the organ and tissue donor registry that specify:

1. The information to be included in the registry including, but not limited to, the data subject's full name, address, sex, birth date, age, race, driver license number or other unique identifying number, and other pertinent identifying personal information;

2. Authorization for ODEAP, designated organ procurement organizations or state licensed eye and tissue banks to analyze registry data under research protocols directed toward determination and identification of the means to promote and increase organ, eye and tissue donation within this state;

3. A process to revoke an individual's intent to be an organ or tissue donor and for updating information in the registry;

4. Procedures for making the registry available to organ procurement organizations, tissue banks and eye banks;

5. Limitations on the use of and access to the registry;

6. Procedures for developing and disseminating information on organ, tissue and eye donation to the public by the Department; and

7. Procedures for collaborating with the Department of Public Safety to transmit information stored in driver license data banks from the Department of Public Safety to the State Department of Health.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2220.11 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Any employee of this state, its departments or agencies shall be granted a leave of absence for the time specified for the following purposes:

1. Five (5) workdays to serve as a bone marrow donor if the employee provides the employer written verification that the employee is to serve as a bone marrow donor; and

2. Thirty (30) workdays to serve as a human organ donor if the employee provides the employer written verification that the employee is to serve as a human organ donor.

B. 1. An employee who is granted a leave of absence pursuant to the provisions of this section shall receive the base state pay without interruption during the leave of absence. For purposes of determining seniority, pay or pay advancement, and performance awards, and for the receipt of any benefit that may be affected by a leave of absence, the service of the employee shall be considered uninterrupted by the leave of absence.

2. A state agency shall not penalize an employee for requesting or obtaining a leave of absence pursuant to the provisions of this section.

3. The leave authorized by this section may be requested by the employee only if the employee is the person who is serving as the donor.

SECTION 6. This act shall become effective July 1, 2002.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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CJ

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