

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2548

By: Sullivan of the House

and

Aldridge of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to public health and safety; creating the Oklahoma Anatomical Organ Donor Identification Act; providing short title; amending 63 O.S. 2001, Section 2202, which relates to the Anatomical Gift Act; modifying definition of designated organ procurement organization; amending 63 O.S. 2001, Section 2211, which relates to donor notation on driver license; adding donor notation to back of licenses and identification cards; providing procedures for removal of donor notation; amending 63 O.S. 2001, Section 2220.5 and Section 3, Chapter 176, O.S.L. 2003 (63 O.S. Supp. 2003, Section 2220.10), which relate to the Oklahoma Organ Donor Education and Awareness Program Act; providing for informing applicant of organ donation; authorizing Department to contract with certain organ procurement organizations; requiring concurrence and approval of Department of Public Safety; restricting availability of certain personal information; requiring certain personal information to remain confidential; modifying requirements, methods and process for placement of certain personal information in registry; requiring cost of creation and maintenance of registry be paid by certain organization; restricting use of information for certain purposes; establishing the Task Force on Men's Health; providing for membership; providing for membership requirements; providing appointment terms; providing for appointment of chair and vice-chair; providing for travel reimbursement; providing for duties; requiring certain report to Governor and Legislature; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Oklahoma Anatomical Organ Donor Identification Act".

SECTION 2. AMENDATORY 63 O.S. 2001, Section 2202, is amended to read as follows:

Section 2202. 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;

2. "Decedent" means a deceased individual and includes a stillborn infant or fetus;

3. "Donor" means an individual who makes a gift of all or part of ~~his~~ the individual's body;

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;

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

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

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

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 in Oklahoma 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, and placement of organs and ~~that~~ which allocates organs to prospective recipients;

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

11. "Vascular organ" means the heart, lungs, kidneys, liver, pancreas, or any other organ that requires continuous circulation of blood to remain useful for transplantation purposes. As used in Section ~~2~~ 2204 of this ~~act~~ title, the term "vascular organ" does not include human tissue, bones, or corneas.

SECTION 3. AMENDATORY 63 O.S. 2001, Section 2211, is amended to read as follows:

Section 2211. In order to provide an expeditious procedure for a person to make a gift of all or part of ~~his~~ the body of the person pursuant to the provisions of the Uniform Anatomical Gift Act, the Department of Public Safety ~~and all motor license agents~~ shall make space available on the front ~~side~~ and back of the ~~driver's~~ driver license and the identification ~~license~~ card for an organ and tissue donor notation. The donor notation shall identify the licensee or cardholder as ~~a~~ an organ and tissue donor ~~of specified body organs or of his entire body or parts of said body~~ for the purposes ~~of transplantation, therapy, medical research, or education pursuant to the provisions~~ of the Uniform Anatomical Gift Act. Any person may have the organ and tissue donor notation removed from the records of the person maintained by the Department by notifying the Department in writing or by presenting the license or identification card to the Department or a motor license agent for replacement and payment of the appropriate fee, pursuant to the provisions of Section 6-114 or subsection H of Section 6-105 of Title 47 of the Oklahoma Statutes, and informing the Department or motor license agent that the person desires to have the organ and tissue donor notation removed from the license or identification card.

SECTION 4. AMENDATORY 63 O.S. 2001, Section 2220.5, is amended to read as follows:

Section 2220.5 A. 1. An applicant for an original or replacement driver license or identification card shall be given an opportunity to make a voluntary contribution of One Dollar (\$1.00)

to be credited to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund established in Section 2220.3 of this title. Any voluntary contribution shall be added to the driver license, or 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 2220.3 of this title.

2. An applicant for a vehicle title or transfer of title or for a vehicle license plate shall be given an opportunity 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 2220.3 of this title. Any voluntary contribution shall be added to the 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 2220.3 of this title.

3. The contribution prescribed in this section is voluntary and may be refused by the applicant. The Department of 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 2220.2 of this title.

B. The Department of Public Safety and motor license agents shall inquire of each applicant at the time of presentation of a completed application for an original driver license ~~application~~ or identification card whether the applicant is interested in making the One Dollar (\$1.00) contribution prescribed in subsection A of this section and whether the applicant is interested in being an organ and tissue donor. ~~The Department of Public Safety shall also~~

~~specifically inform the applicant of the ability to make an organ donation by checking the organ donor box on the front of the driver license or identification card that the applicant will receive. The Department of Public Safety or motor license agents shall also specifically inform the applicant of the ability to make an organ and tissue donation.~~ The Department of Public Safety shall notify the State Commissioner of Health the name, address, date of birth, and driver license number or identification card number of 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 Department of Public Safety or the Oklahoma Tax Commission, as applicable, from amounts received pursuant to the provisions of this section before funds are expended for the purposes of the fund.

SECTION 5. AMENDATORY Section 3, Chapter 176, O.S.L. 2003 (63 O.S. Supp. 2003, Section 2220.10), is amended to read as follows:

Section 2220.10 A. 1. There is hereby established within the State Department of Health, an organ, eye and tissue donor registry for the State of Oklahoma to be known as the "Life Share Donor Registry", ~~and to be administered by a federally.~~ The Department is authorized to contract with the designated organ procurement organization in the State of Oklahoma, as defined in Section 2202 of this title, who shall act on behalf of the Department by carrying out the functions of the Department in the administration of the Registry, in compliance with 18 U.S.C. Section 2721. The contract between the Department and the designated organ procurement organization shall be subject to the concurrence and approval of the Department of Public Safety.

2. The registry shall maintain and update as needed the pertinent information on all Oklahomans who have indicated a willingness to be an organ donor, eye donor or tissue donor by a designation on a driver license, ~~commercial driver license or motorcycle operator license~~, a state identification card, a donor card, an online or other organ donor registry enrollment form, or any other document of gift.

3. The registry shall be fully operational not later than July 1, 2004.

4. The registry and all information therein shall be confidential and shall be subject to access only by the designated organ procurement organization, ~~and by~~ eye banks and tissue banks, ~~operating in or serving~~ licensed by the State of Oklahoma; ~~however,~~ the personal information and highly restricted personal information shall only be available to the designated organ procurement organization solely for the purpose of identifying a potential donor and only when acting on behalf of the Department of Health as prescribed in paragraph 1 of this subsection. The placement of any personal information and highly restricted personal information on the Registry that, at the time of placement, was confidential under the Open Records Act or the Driver's Privacy Protection Act (DPPA), 18 U.S.C. Sections 2721 through 2725, shall remain confidential.

5. 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. Procedures to administer the Life Share Donor Registry shall specify:

1. The information ~~to be included~~ placed in the registry ~~including, but not limited to, the data subject's full name, address, sex, birth date, age, driver license number or other unique identifying number, and other pertinent identifying personal information~~ may include personal information and highly restricted personal information, as defined in 18 U.S.C. Section 2721, and access to such information shall conform to the Driver's Privacy Protection Act (DPPA), 18 U.S.C. Sections 2721 through 2725;

2. Authorization for the ~~federally~~ designated organ procurement organization or ~~a state licensed~~ an eye and or tissue bank, licensed by the State of Oklahoma, 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 for updating information in the registry including a method whereby an individual may revoke his or her intent to be an organ, eye, or tissue donor;

4. The method for making information on the registry available to the designated organ procurement organizations, and to tissue banks and eye banks licensed by the State of Oklahoma;

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

6. A toll-free telephone number, available twenty-four (24) hours a day, for use by the public to obtain information on becoming an organ, tissue or eye donor;

7. A process for establishing, implementing, maintaining, and administering an online organ, eye and tissue donor registration process and ensuring the confidentiality of information provided;

8. A process for a donor who has registered online to sign a confirmation card that will be returned to the designated ~~Oklahoma~~ organ procurement organization and made part of the registry record; and

9. Procedures for collaborating with the Department of Public Safety to transmit ~~information~~ stored ~~in~~ driver license data ~~banks~~ ~~from~~ by the Department of Public Safety, in conformance with 18 U.S.C. Section 2721, to the Life Share Donor Registry maintained by the designated organ procurement organization, and to ensure the confidentiality of such information for present and potential donors. Monies credited to the Oklahoma Organ Donor Education and Awareness Program Revolving Fund created in Section 2220.3 of ~~Title 63 of the Oklahoma Statutes~~ this title may be used for a one-time transfer to the Department of Public Safety for the reasonable costs associated with the initial installation and setup of equipment and software for electronic transfer of donor information. All ~~subsequent~~ actual electronic transfers of donor information shall be at no charge to the ~~federally~~ designated organ procurement ~~agency~~ organization; ~~provided,~~ however, all costs associated with the creation and maintenance of the ~~organ, eye and tissue donor registry~~ Life Share Donor Registry shall be paid by the designated organ procurement agency organization.

C. Information obtained by the ~~federally~~ designated organ procurement organization shall be used for the purpose of:

1. Establishing a statewide organ, eye, and tissue donor registry that is accessible to ~~in-state recognized cadaveric organ and cadaveric tissue agencies~~ designated organ procurement organizations and to eye banks and tissue banks, licensed by the State of Oklahoma, for the recovery ~~or,~~ preservation, transportation, and placement of organs, eyes, and tissue; and

2. ~~Procuring agencies~~ Designated organ procurement organizations in other states when an Oklahoma resident is a donor of an anatomical gift and is not located in Oklahoma at the time of death or immediately before the death of the donor.

SECTION 6. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. There is hereby created to continue until December 31, 2007, the Task Force on Men's Health to be composed of twelve (12) members who shall be appointed as follows:

1. Four members shall be appointed by the Governor;

2. Four members shall be appointed by the President Pro Tempore of the Senate; and

3. Four members shall be appointed by the Speaker of the House of Representatives.

B. Each member shall be a medical or academic expert or community leader in the area of men's health or family involvement, or an active member or an organization that is active in men's health or family involvement issues.

C. Appointments to the task force shall be made without regard to race, color, disability, sex, religion, age or national origin and shall represent each geographic area of the state.

D. Task force members shall serve terms of two (2) years and may succeed themselves. A vacancy on the task force shall be filled in the same manner as the original appointment.

E. The task force shall annually elect from among its members a chair and vice-chair. The chair of the task force may appoint subcommittees for any purpose consistent with the duties of the task force.

F. Task force members shall not be compensated for their service but may be reimbursed for expenses incurred in the performance of their duties pursuant to the provisions of the State Travel Reimbursement Act.

G. 1. The task force may meet at the times and places that the task force designates pursuant to the provisions of the Open Meeting Act.

2. The task force shall develop and implement policies that provide the public with a reasonable opportunity to appear before the task force and to speak on any issue before the task force.

H. The Task Force on Men's Health shall:

1. Develop strategies and programs, including community outreach and public-private partnerships, designed to:
 - a. raise public awareness about critical issues for men, including health problems that disproportionately affect males, and the importance of the male role in the family,
 - b. encourage male participation in healthy behaviors, academic achievement and family involvement, and
 - c. educate males about the benefits of regular medical checkups, early detection and preventive screening tests, and healthy lifestyle practices;
2. Organize community workshops to identify issues affecting men's health and family involvement;
3. Monitor state and federal policy and legislation that may affect the areas of men's health and family involvement;
4. Recommend assistance, services and policy changes that will further the goals of the task force; and
5. Submit a report of its findings and recommendations to the Governor and the Legislature no later than October 1 of each year.

SECTION 7. This act shall become effective July 1, 2004.

SECTION 8. 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.

49-2-9132

GRS

05/18/04