

SB 488

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THE STATE SENATE  
Tuesday, February 13, 2007

Senate Bill No. 488  
As Amended

SENATE BILL NO. 488 - By: JOHNSON (Constance) of the Senate and  
NATIONS of the House.

[ public health and safety - anatomical gifts - codification  
- effective date ]

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 2203, as  
amended by Section 1, Chapter 176, O.S.L. 2003 (63 O.S. Supp. 2006,  
Section 2203), is amended to read as follows:

Section 2203. A. Any adult of sound mind may give all or any  
part of his or her body for any purpose specified in Section 2204 of  
this title, the gift to take effect upon death. The wishes of the  
deceased, as evidenced by donor registration in the form of an  
advance directive, a driver license designation, a donor card, a  
state identification card, an ~~on-line~~ online or other ~~organ~~ donor  
~~enrollment~~ registry enrollment form, or a will shall take precedence  
over the wishes of the family.

B. Any of the following persons, in order of priority stated,  
when persons in prior classes are not available at the time of  
death, and in the absence of actual notice of contrary indications  
by the decedent or actual notice of opposition by a member of the

1 same or a prior class, may give all or any part of the decedent's  
2 body for any purpose specified in Section 2204 of this title:

3 1. The spouse;

4 2. An adult son or daughter;

5 3. Either parent;

6 4. An adult brother or sister;

7 5. A guardian of the person of the decedent at the time of  
8 death; or

9 6. Any other person authorized or under obligation to dispose  
10 of the body.

11 C. If the donee has actual notice of contrary indications by  
12 the decedent or that a gift by a member of a class is opposed by a  
13 member of the same or a prior class, the donee shall not accept the  
14 gift. The persons authorized by subsection B of this section may  
15 make the gift after or immediately before the decedent's death.

16 D. A gift of all or part of a body authorizes any examination  
17 necessary to assure medical acceptability of the gift for the  
18 purposes intended.

19 E. The rights of the donee created by the gift are paramount to  
20 the rights of others except as provided by subsection (d) of Section  
21 2208 of this title.

22 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2212, is  
23 amended to read as follows:

1 Section 2212. In any death that the Office of the Chief Medical  
2 Examiner of the State of Oklahoma is required by law to investigate,  
3 a medical examiner may authorize the removal of organs, eyes or  
4 tissues from the deceased for donation to a suitable donee pursuant  
5 to the provisions of the Uniform Anatomical Gift Act if the next of  
6 kin of the deceased has been consulted and consents to ~~said~~ the  
7 removal and donation in accordance with the provisions of Section  
8 2203 of this title. It is the intent of the Oklahoma Legislature  
9 that, if the removal of ~~an organ or~~ organs, eyes or tissues for  
10 transplant, research or other medical purpose will not interfere  
11 with the subsequent course of an investigation or autopsy, and if  
12 the next of kin of the deceased has been consulted and consents to  
13 ~~said~~ such removal and donation in accordance with the provisions of  
14 Section 2203 of this title, the Chief Medical Examiner, county  
15 medical examiner or any person authorized by law to conduct an  
16 autopsy shall authorize the removal of organs, eyes or tissues from  
17 the deceased for donation to a suitable donee pursuant to the  
18 provisions of the Uniform Anatomical Gift Act. In such cases where  
19 the deceased ~~has an organ donor card~~ is a registered donor, the  
20 consent from next of kin shall not be required.

21 SECTION 3. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 2215.1 of Title 63, unless there  
23 is created a duplication in numbering, reads as follows:

1           A. It is the intent of the Oklahoma Legislature that all  
2 organs, eyes and tissues deemed medically suitable for  
3 transplantation be made available to those in need pursuant to  
4 Section 2 of this act.

5           B. The Office of the Chief Medical Examiner is authorized to  
6 refer all nonhospital deaths to the certified and federally  
7 designated Organ Procurement Organization for the purposes of  
8 determining medical suitability of the deceased as an organ, eye or  
9 tissue donor.

10           **SECTION 4.           AMENDATORY           63 O.S. 2001, Section 2220.5, as**  
11 **amended by Section 4, Chapter 395, O.S.L. 2004 (63 O.S. Supp. 2006,**  
12 **Section 2220.5), is amended to read as follows:**

13           Section 2220.5 A. 1. ~~An~~ The Commissioner of Public Safety  
14 shall inquire, in writing, on the motor license agents' electronic  
15 signature pad, if any applicant for an original or replacement  
16 driver license or identification card ~~shall be given an opportunity~~  
17 would like to make a voluntary contribution of One Dollar (\$1.00) to  
18 be credited to the Oklahoma Organ Donor Education and Awareness  
19 Program Revolving Fund established in Section 2220.3 of this title.  
20 Any voluntary contribution shall be added to the driver license or  
21 identification card fee and then be referred to the State Treasurer  
22 and credited to the Oklahoma Organ Donor Education and Awareness  
23 Program Revolving Fund as provided in Section 2220.3 of this title.

1           2. An applicant for a vehicle title or transfer of title or for  
2 a vehicle license plate shall be given an opportunity, in writing,  
3 to make a minimum voluntary contribution of One Dollar (\$1.00) to be  
4 credited to the Oklahoma Organ Donor Education and Awareness Program  
5 Revolving Fund established in Section 2220.3 of this title. Any  
6 voluntary contribution shall be added to the title or license plate  
7 fee and then be referred to the State Treasurer and credited to the  
8 Oklahoma Organ Donor Education and Awareness Program Revolving Fund  
9 as provided in Section 2220.3 of this title.

10           3. The contribution prescribed in this section is voluntary and  
11 may be refused by the applicant. The Department of Public Safety  
12 and the Oklahoma Tax Commission shall make available an information  
13 booklet or other informational sources on the importance of organ  
14 donation to applicants for licensure, as designed and provided by  
15 the State Department of Health and the State Superintendent of  
16 Public Instruction with the assistance of the Oklahoma Organ Donor  
17 Education and Awareness Program Advisory Council established in  
18 Section 2220.2 of this title.

19           B. The Department of Public Safety and motor license agents  
20 shall inquire of each applicant at the time of presentation of a  
21 completed application for an original driver license or  
22 identification card whether the applicant is interested in making  
23 the One Dollar (\$1.00) contribution prescribed in subsection A of

1 this section and whether the applicant is interested in being an  
2 organ and tissue donor, in writing, on the motor license agents'  
3 electronic signature pad. The Department of Public Safety or motor  
4 license agents shall also specifically inform the applicant of the  
5 ability to make an organ and tissue donation. The Department of  
6 Public Safety shall notify the State Commissioner of Health the  
7 name, address, date of birth, and driver license number or  
8 identification card number of applicants who indicate that they are  
9 interested in being an organ donor.

10 C. The incremental cost of administration of contributions to  
11 the fund, not to exceed one percent (1%) of the monies received  
12 pursuant to the provisions of this section, shall be paid by the  
13 fund to the Department of Public Safety or the Oklahoma Tax  
14 Commission, as applicable, from amounts received pursuant to the  
15 provisions of this section before funds are expended for the  
16 purposes of the fund.

17 SECTION 5. This act shall become effective November 1, 2007.

18 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN RESOURCES, dated  
19 2-8-07 - DO PASS, As Amended and Coauthored.