

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1360 By: Treat, Paddock and Simpson
of the Senate
3
4 and
5 Ownbey of the House
6
7

8 [organ donation - rights and duties of procurement
9 organizations - certain policies - effective date]
10

11 AUTHORS: Add the following House Coauthors: Thomsen, McCall and
12 Leewright

13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
14 entire bill and insert

15 "An Act relating to organ donation; amending 63 O.S.
16 2011, Section 2200.14A, which relates to rights and
17 duties of procurement organizations; permitting
18 adoption of certain policies by certain facilities;
19 providing certain construction; and providing an
20 effective date.

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

22 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2200.14A, is
23 amended to read as follows:

24 Section 2200.14A A. When a hospital refers an individual at or
near death to a procurement organization, the organization shall

1 make a reasonable search of the records of the Department of Public
2 Safety and any donor registry that it knows exists for the
3 geographical area in which the individual resides to ascertain
4 whether the individual has made an anatomical gift.

5 B. A procurement organization must be allowed reasonable access
6 to information in the records of the Department of Public Safety to
7 ascertain whether an individual at or near death is a donor.

8 C. When a hospital refers an individual at or near death to a
9 procurement organization, the organization may conduct any
10 reasonable examination necessary to ensure the medical suitability
11 of a part that is or could be the subject of an anatomical gift for
12 transplantation, therapy, research, or education from a donor or a
13 prospective donor. During the examination period, measures
14 necessary to ensure the medical suitability of the part may not be
15 withdrawn unless the hospital or procurement organization knows that
16 the individual expressed a contrary intent.

17 D. Unless prohibited by any other provisions of law, at any
18 time after a donor's death, the person to whom a part passes under
19 ~~Section 11 of this act~~ Section 2200.11A of this title may conduct
20 any reasonable examination necessary to ensure the medical
21 suitability of the body or part for its intended purpose.

22 E. Unless prohibited by any other provisions of law, an
23 examination under subsection C or D of this section may include an
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1 examination of all medical and dental records of the donor or
2 prospective donor.

3 F. Upon the death of a minor who was a donor or had signed a
4 refusal, unless a procurement organization knows the minor is
5 emancipated, the procurement organization shall conduct a reasonable
6 search for the parents of the minor and provide the parents with an
7 opportunity to revoke or amend the anatomical gift or revoke the
8 refusal.

9 G. Upon referral by a hospital under subsection A of this
10 section, a procurement organization shall make a reasonable search
11 for any person listed in ~~Section 9 of this act~~ Section 2200.9A of
12 this title having priority to make an anatomical gift on behalf of a
13 prospective donor. If a procurement organization receives
14 information that an anatomical gift to any other person was made,
15 amended, or revoked, it shall promptly advise the other person of
16 all relevant information.

17 H. Subject to subsection I of ~~Section 11~~ Section 2200.11A of
18 this title and ~~Section 23 of this act~~ Section 2200.23A of this
19 title, the rights of the person to which a part passes under ~~Section~~
20 ~~11 of this act~~ Section 2200.11A of this title are superior to the
21 rights of all others with respect to the part. The person may
22 accept or reject an anatomical gift in whole or in part. Subject to
23 the terms of the document of gift and this act, a person that
24 accepts an anatomical gift of an entire body may allow embalming,

1 burial or cremation, and use of remains in a funeral service. If
2 the gift is of a part, the person to which the part passes under
3 ~~Section 11 of this act~~ Section 2200.11A of this title, upon the
4 death of the donor and before embalming, burial, or cremation, shall
5 cause the part to be removed without unnecessary mutilation.

6 I. Neither the physician who attends the decedent at death nor
7 the physician who determines the time of the decedent's death may
8 participate in the procedures for removing or transplanting a part
9 from the decedent.

10 J. A physician or technician may remove a donated part from the
11 body of a donor that the physician or technician is qualified to
12 remove.

13 K. A hospital may adopt guidelines for the interaction between
14 organ procurement organizations and hospital staff. Nothing in the
15 Oklahoma Uniform Anatomical Gift Act shall be construed as to
16 authorize an organ procurement organization to use coercion or
17 emotional abuse of patients, families of patients, physicians or
18 hospital staff in any aspect of the organ donation process,
19 including, but not limited to, the testing and screening of
20 potential donors and the procurement of organs. For purposes of
21 this subsection, "emotional abuse" shall include, but not be limited
22 to, demanding, insisting or pressuring families in a manner that
23 fails to exhibit sympathy, compassion or sensitivity to the
24 emotional well-being of those involved.

