

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1360

By: Treat, Paddock and Simpson
of the Senate

6 and

7 Ownbey of the House

8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to organ donation; amending 63 O.S.
12 2011, Section 2200.14A, which relates to rights and
13 duties of procurement organizations; permitting
14 adoption of certain policies by certain facilities;
15 providing certain construction; and providing an
16 effective date.

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

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

20 Section 2200.14A A. When a hospital refers an individual at or
21 near death to a procurement organization, the organization shall
22 make a reasonable search of the records of the Department of Public
23 Safety and any donor registry that it knows exists for the
24

1 geographical area in which the individual resides to ascertain
2 whether the individual has made an anatomical gift.

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

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13 withdrawn unless the hospital or procurement organization knows that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

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

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

24

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

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

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

1 ~~Section 11 of this act~~ Section 2200.11A of this title, upon the
2 death of the donor and before embalming, burial, or cremation, shall
3 cause the part to be removed without unnecessary mutilation.

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

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

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

23

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

SECTION 2. This act shall become effective November 1, 2016.

55-2-9568 AM 03/23/16