

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1360

By: Treat

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5  
6 AS INTRODUCED

7 An Act relating to organ donation; amending 63 O.S.  
8 2011, Section 2200.14A, which relates to rights and  
9 duties of procurement organizations; permitting  
10 adoption of certain policies by certain facilities;  
11 providing certain construction; and providing an  
12 effective date.

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

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

16 Section 2200.14A. A. When a hospital refers an individual at  
17 or near death to a procurement organization, the organization shall  
18 make a reasonable search of the records of the Department of Public  
19 Safety and any donor registry that it knows exists for the  
20 geographical area in which the individual resides to ascertain  
21 whether the individual has made an anatomical gift.

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

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8 withdrawn unless the hospital or procurement organization knows that  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

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

15 E. Unless prohibited by any other provisions of law, an  
16 examination under subsection C or D of this section may include an  
17 examination of all medical and dental records of the donor or  
18 prospective donor.

19 F. Upon the death of a minor who was a donor or had signed a  
20 refusal, unless a procurement organization knows the minor is  
21 emancipated, the procurement organization shall conduct a reasonable  
22 search for the parents of the minor and provide the parents with an  
23 opportunity to revoke or amend the anatomical gift or revoke the  
24 refusal.

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

9 H. Subject to subsection I of ~~Section 11~~ Section 2200.11A of  
10 this title and ~~Section 23 of this act~~ Section 2200.23A of this  
11 title, the rights of the person to which a part passes under ~~Section~~  
12 ~~11 of this act~~ Section 2200.11A of this title are superior to the  
13 rights of all others with respect to the part. The person may  
14 accept or reject an anatomical gift in whole or in part. Subject to  
15 the terms of the document of gift and this act, a person that  
16 accepts an anatomical gift of an entire body may allow embalming,  
17 burial or cremation, and use of remains in a funeral service. If  
18 the gift is of a part, the person to which the part passes under  
19 ~~Section 11 of this act~~ Section 2200.11A of this title, upon the  
20 death of the donor and before embalming, burial, or cremation, shall  
21 cause the part to be removed without unnecessary mutilation.

22 I. Neither the physician who attends the decedent at death nor  
23 the physician who determines the time of the decedent's death may  
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1 participate in the procedures for removing or transplanting a part  
2 from the decedent.

3 J. A physician or technician may remove a donated part from the  
4 body of a donor that the physician or technician is qualified to  
5 remove.

6 K. A hospital may adopt guidelines for the interaction between  
7 organ procurement organizations and hospital staff. Nothing in the  
8 Oklahoma Uniform Anatomical Gift Act shall be construed as to  
9 authorize an organ procurement organization to use coercion or  
10 emotional abuse of patients, families of patients, physicians or  
11 hospital staff in any aspect of the organ donation process,  
12 including but not limited to the testing and screening of potential  
13 donors and the procurement of organs.

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

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