

Revised Uniform Anatomical Gift Act Amendments; Designation on Driver's License or Identification Card; Healthcare Provider Liability Exemption; HB 2472

HB 2472 places a question as to an individual's willingness to give his or her authorization to be listed as an organ, eye, and tissue donor in the Kansas Donor Registry (Registry) in accordance with the Revised Uniform Anatomical Gift Act (Act) on the applications for a driver's license, renewal of a driver's license, and an identification card and on the notice of a driver's license expiration. The bill requires the word "donor" be placed on the front of the driver's license or identification card of an individual who provides authorization to be listed in the Registry on an application for a driver's license or an identification card.

Further, the bill amends the Act regarding the persons authorized to make an anatomical gift upon a decedent's death, adds a definition for "healthcare provider," and provides an exemption from liability for such providers.

Declaration of Intent to Gift

The bill removes the requirement that an individual 16 years of age or older to whom a Kansas driver's license has been issued, and who desires to make an anatomical gift, sign a form in the presence of two witnesses stating a desire to make such a gift. Instead, the bill requires an application for a driver's license, a notice of a driver's license expiration or renewal application, and an application for an identification card include a question as to the applicant's willingness to authorize the placement of the applicant's name in the Registry. Such authorization on a driver's license application by a person 16 years of age or older or on an application for an identification card by any person makes the anatomical gift effective upon the death of the donor. [Note: Prior law required a parent or guardian of an applicant under 16 years of age to sign the application for a driver's license or identification card submitted by the applicant.] Persons authorizing placement of their names in the Registry will have the word "donor" placed on the front of their driver's license or identification card.

Persons Authorized to Make a Gift

With regard to the classes of individuals authorized to make an anatomical gift of a decedent's body or part for transplantation, therapy, research, or education, the bill removes adult siblings of a decedent from the list of classes requiring approval by a majority of the members of the class if an objection of another member of the class is known. Both parents of a decedent, if living and available to decide, must agree to make the anatomical gift.

Healthcare Provider Liability Exemption

The bill defines "healthcare provider" under the Act to mean the same as in the Health Care Provider Insurance Availability Act. A healthcare provider is exempt from liability in a civil action, criminal prosecution, or administrative proceeding when acting in good faith with the Act or the applicable anatomical gift law of another state.