

SESSION OF 2018

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2472**

As Amended by House Committee on Health  
and Human Services

**Brief\***

HB 2472, as amended, would place 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 would require the word "Donor" be placed on the front of the driver's license or identification card of an individual who provides authorization on an application for a driver's license or an identification card to be listed in the Registry.

Further, the bill would amend the Act regarding the persons authorized to make an anatomical gift upon a decedent's death, add a definition for healthcare provider, and provide an exemption from liability for such providers. Technical amendments would also be made.

Additional bill details follow.

***Declaration of Intent to Gift***

The bill would remove 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 would require an

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

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 would make the anatomical gift effective upon the death of the donor. [Note: Current law requires 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 would have the word "Donor" placed on the front of the 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 would remove 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, would have to agree to make the anatomical gift.

#### ***Healthcare Provider Liability Exemption***

The bill would define "healthcare provider" under the Act to mean the same as in the Health Care Provider Insurance Availability Act. A healthcare provider would be 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.

## **Background**

The bill was introduced by the House Committee on Health and Human Services at the request of Representative Sloan. In the House Committee hearing, Representative Sloan and private citizens testified in support of the bill. The proponents generally stated there is a shortage of organ donors and a need to encourage organ donation. The proponents also stated the bill would simplify the method of declaring an intent to be an organ, eye, or tissue donor and have that intent indicated on a driver's license or state-issued identification card. No neutral or opponent testimony was provided.

The House Committee amended the bill to clarify that an applicant would be authorizing the placement of his or her name in the Registry as an organ, eye, and tissue donor and remove language prohibiting a parent or guardian from revoking a decedent minor's anatomical gift if a document of gift is present or available.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Department of Revenue and the University of Kansas Medical Center indicate enactment of the bill would have no fiscal effect.