

# HOUSE . . . . . No. 6842

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## *The Commonwealth of Massachusetts*

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THE HOUSE OF REPRESENTATIVES, November 28, 1983.

The committee on Taxation, to whom was referred the petition (accompanied by bill, House, No. 6809) of Constance L. Cronin, Joseph N. Hermann, Kevin P. Blanchette and Mary Jeanette Murray relative to human organ donation programs in the Commonwealth, reports recommending that the accompanying bill (House, No. 6842) ought to pass.

For the committee,

JOSEPH N. HERMANN

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Three.

### AN ACT RELATIVE TO FUNDING FOR ORGAN DONATIONS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 10 of the General Laws is hereby amend-  
2 ed by inserting after section 35D the following section: —

3 *Section 35E.* There shall be established and set up on the books  
4 of the commonwealth a separate fund to be known as the Organ  
5 Transplant Fund, to assist residents of the commonwealth in  
6 paying all or part of any costs associated with a medically required  
7 organ transplant. Said fund shall consist of all revenues received  
8 by the commonwealth: (1) under the provisions of section six E of  
9 chapter sixty-two; (2) from public and private sources as gifts,  
10 grants, and donations to further such human organ transplant  
11 programs; and (3) from the federal government as reimburse-  
12 ments, grants-in-aid or other receipts on account of such trans-  
13 plant operations.

14 All revenues credited under this section shall remain in said  
15 Organ Transplant Fund, not subject to appropriation, to assist  
16 residents of the commonwealth in paying all or part of any costs  
17 associated with a medically required organ transplant. The state  
18 treasurer shall not deposit said revenues in or transfer said  
19 revenues to the General Fund or any other fund other than the  
20 Organ Transplant Fund.

21 The state treasurer shall deposit the fund in accordance with the  
22 provisions of sections thirty-four and thirty-four A of chapter  
23 twenty-nine in such manner as will secure the highest interest rate  
24 available consistent with safety of the fund and with the require-  
25 ment that all amounts on deposit be available for immediate  
26 withdrawal at any time. The fund shall be expended only for the  
27 purposes stated above at the direction of the commissioner of  
28 public health and any unexpended balances shall be redeposited,  
29 as herein provided, for future use consistent with this section.

1 SECTION 2. The first paragraph of section 4 of chapter 17 of  
2 the General Laws is hereby amended by striking out the first  
3 sentence and inserting in place thereof the following: — There  
4 shall be in the department a division of sanatoria, a division of  
5 communicable and venereal diseases, a division of food and drugs,  
6 a division of alcoholism, a division of drug rehabilitation, a  
7 division of organ transplants and such other divisions as the  
8 commissioner, with the approval of the public health council, may  
9 from time to time determine.

1 SECTION 3. Chapter 17 of the General Laws is hereby amend-  
2 ed by adding after section 14 the following new section: —

3 *Section 15.* There shall be an advisory council on organ  
4 transplants consisting of the commissioner of public health, the  
5 commissioner of social services, the president of the Massachu-  
6 setts Medical Society, and six persons experienced in the field of  
7 organ donations or transplants to be appointed by the governor, of  
8 whom at least one shall be a recipient of a donated organ. Upon the  
9 expiration of the term of any appointive member, a successor shall  
10 be appointed in like manner for a term of three years. The term of  
11 all appointive members shall be three years and no such member  
12 shall be appointed to serve more than two consecutive terms.

13 The governor shall annually designate the chairman of the  
14 council from among its members. The council shall meet at least  
15 four times each year, and shall convene special meetings at the call  
16 of the chairman, a majority of the members of the council, the  
17 commissioner of public health, or the director of the division of  
18 organ transplants. The director of the division of organ trans-  
19 plants shall serve as the executive secretary of the council and shall  
20 attend all meetings. The council shall make an annual report to the  
21 governor, and shall file a copy of said report with the state  
22 secretary, the clerk of the senate and the clerk of the house of  
23 representatives. Members of the council shall serve without  
24 compensation but shall be reimbursed for their expenses actually  
25 and necessarily incurred in the discharge of their duties.

26 Said advisory council shall (a) assist the commissioner of public  
27 health and the director of the division of organ transplants in  
28 coordinating the efforts of all public and private agencies within

29 the commonwealth concerned with the donation and transplanta-  
30 tion of human organs, (b) advise the said commissioner and said  
31 director on policy and priorities of need in the commonwealth for  
32 a comprehensive program relative to organ donations and trans-  
33 plants, (c) review the annual plans, the proposed annual budget  
34 and the programs and services of the division and make recommenda-  
35 tions to the commissioner, including approval, modification, or  
36 disapproval in regard thereto, and (d) assist the director of the  
37 division of organ transplants to establish regulations which shall  
38 set forth standards and guidelines by which said director shall both  
39 select individuals who shall receive funds from the Organ Trans-  
40 plant Fund, established pursuant to section thirty-five E of chapter  
41 ten, and determine the amount each such individual shall receive.

1 SECTION 4. Said chapter 62 is hereby further amended by  
2 inserting after section 6D the following section: —

3 *Section 6E.* Every individual who files a separate return and  
4 every husband and wife filing a return jointly may voluntarily  
5 contribute all or part of any refund to which they are entitled or  
6 may voluntarily add an amount onto any amount due to be credit-  
7 ed to the Organ Transplant Fund, established pursuant to section  
8 thirty-five E of chapter ten.

9 A contribution made under this section may be made with  
10 respect to any taxable year at the time of filing a return of the tax  
11 imposed by this chapter for such taxable year; provided, however,  
12 that the commissioner shall prescribe the manner in which such  
13 contribution shall be made on the face of the return required by  
14 section five of chapter sixty-two C.

15 The commissioner shall annually report the total amount to said  
16 Organ Transplant Fund.

1 SECTION 5. Section six E of chapter sixty-two of the General  
2 Laws, inserted by section four of this act, shall apply to taxable  
3 years commencing on and after January first, nineteen hundred  
4 and eighty-four.