

HOUSE No. 2717

By Ms. Clark of Melrose, a petition (accompanied by bill, House, No. 2717) of Katherine Clark and others relative to establishing an organ donation registration fund. Revenue.

The Commonwealth of Massachusetts

PRESENTED BY:

Katherine Clark and Thomas M. McGee

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Establishing an Organ Donation Registration Fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Katherine Clark	32nd Middlesex
Thomas M. McGee	
Bruce E. Tarr	First Essex and Middlesex
Sean Garballey	23rd Middlesex
Mary E. Grant	6th Essex
Kay Khan	11th Middlesex
Jason Lewis	31st Middlesex
Jay R. Kaufman	15th Middlesex
Lori Ehrlich	8th Essex
Cory Atkins	14th Middlesex
Jennifer Benson	37th Middlesex
William N. Brownsberger	24th Middlesex
Steven J. D'Amico	4th Bristol
Linda Dorcena Forry	12th Suffolk
Carolyn Dykema	8th Middlesex
Anne M. Gobi	5th Worcester
Kate Hogan	3rd Middlesex
Barbara A. L'Italien	18th Essex
James J. O'Day	14th Worcester District

Sarah K. Peake	4th Barnstable
Denise Provost	27th Middlesex
Kathi-Anne Reinstein	16th Suffolk
Rosemary Sandlin	3rd Hampden
Tom Sannicandro	7th Middlesex
John W. Scibak	2nd Hampshire
Theodore C. Speliotis	13th Essex
Ellen Story	3rd Hampshire
Benjamin Swan	11th Hampden
Carl M. Sciortino, Jr.	34th Middlesex
Susan C. Tucker	Second Essex and Middlesex
Paul McMurtry	11th Norfolk
Karen E. Spilka	Second Middlesex and Norfolk
Michael O. Moore	Second Worcester
Susan C. Fargo	Third Middlesex
Martha M. Walz	8th Suffolk
Ann-Margaret Ferrante	5th Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ESTABLISHING AN ORGAN DONATION REGISTRATION FUND.

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.** The provisions of this bill may be known as "Laura's Law".

2 **SECTION 2.** Chapter 20 of the General Laws is hereby amended by inserting after section 35 the
3 following section:-

4 Section 35E ½ There shall be established and set up on the books of the commonwealth a separate fund to
5 be known as the Organ Donor Registration Fund, to facilitate the registration of residents of the
6 commonwealth as organ donors. Said fund shall consist of all revenues by the commonwealth: (1) under
7 the provisions of section 8D of chapter 90 and section 15 of chapter 17; and (2) from public and private
8 sources as gifts, grants, and donations to further such facilitation.

9 All revenues credited under this section shall remain in said Organ Donor Registration Fund, not subject
10 to appropriation, to facilitate the registration of residents of the commonwealth as organ donors. The state
11 treasurer shall not deposit said revenues in or transfer said revenues to the general fund or any other fund
12 other than the Organ Donor Registration Fund.

13 The state treasurer shall deposit the fund in accordance with the provisions of section 34 and 34A of
14 chapter 29 in such manner as will secure the highest interest available consistent with safety of the fund
15 and with the requirement that all amounts on deposit be available for immediate withdrawal at any time.
16 The fund shall be expended only for the purposes stated above at the direction of the commissioner of
17 public health and any unexpended balances shall be redeposited, as herein provided, for future use
18 consistent with this section.

19 **SECTION 3.** Chapter 17 of the General Laws is hereby amended by striking out section 15 and inserting
20 in place thereof the following section:-

21 There shall be an advisory council on organ transplants and donations consisting of the commissioner of
22 public health, the president of the Massachusetts Medical Society, the registrar of motor vehicles, the
23 director of the division of organ transplants, a representative of a federally-designed organ procurement

24 organization serving Massachusetts, and 10 persons experienced in the field of organ donations or
25 transplants to be appointed by the governor, at least 1 of whom shall be a recipient of a donated organ, at
26 least 1 of whom shall be a donor or a family member of a donated organ, and at least one of whom shall
27 be a doctor experienced in organ transplantation. Upon the expiration of the term of any appointive
28 member, a successor shall be appointed in like manner for a term of three years. The term of all
29 appointive members shall be three years and no such member shall be appointed to serve more than 2
30 consecutive terms.

31 The governor shall annually designate the chairman of the council from among its members. The council
32 shall meet at least 4 times each year, and shall convene special meetings at the call of the chairman, a
33 majority of the members of the council, the commissioner of public health, or the director of the division
34 of organ transplants. The director of the division of organ transplants shall serve as 6th executive
35 secretary of the council and shall attend all meetings. The council shall make an annual report to the
36 governor, which shall include an account of all actions taken to further organ donation, and shall file a
37 copy of said report with the state secretary, the clerk of the senate and the clerk of the house of
38 representatives. Members of the council shall serve without compensation but shall be reimbursed for
39 their expenses actually and necessarily incurred in the discharge of their duties.

40 Said advisory council shall (s) assist the commissioner of public health and the director of the division of
41 organ transplants in coordinating the efforts of all public and private agencies within the commonwealth
42 concerned with the donation and transplantation of human organs, (b) advise the said commissioner and
43 said director on policy and priorities of need in the commonwealth for a comprehensive program relative
44 to organ donations and transplants, (c) review the annual plans, the proposed annual budget and the
45 programs and services of the division and make recommendations to the commissioner, including
46 approval, modification, or disapproval in regard thereto; (d) assist the direction of the division or organ
47 transplants in developing strategies to increase organ donation any means which the council and director
48 may find effective, the funding for which shall come from the Organ Donor Registration Fund; (e) assist
49 the director in developing and updating an informational booklet about organ donation which shall be
50 given to an organ donor upon registration; provided that the council shall seek the assistance of the
51 federally-designated organ procurement organization of Massachusetts in developing said booklet; (f)
52 assist the director in establishing a website relative to organ donation, which shall include, but not limited
53 to, the information contained in the informational booklet, any other information which the council and
54 director consider beneficial in increasing public knowledge about the need for organ donation, and a
55 means by which the public may donate to the Organ Donor Registration Fund; (g) facilitate and assist in
56 establishment of program by which employers match the donations of their employees to the Organ
57 Donor Registration Fund; and (h) establish numerical goals for increasing organ donation rates in the
58 commonwealth, which shall include a baseline account of current organ donation rate, as well as periodic
59 benchmarks for success.

60 **SECTION 4.** Section 6E of chapter 62 of the General Laws, as appearing in the 2006 Official Edition, is
61 hereby amended by inserting after the 4th paragraph the following paragraph:-

62 Every individual who files a separate return and every husband and wife filing a return jointly may
63 register to become an organ donor on the tax return. The department of revenue shall provide to the
64 federally designated organ procurement organizations serving the commonwealth access to names, dates

65 of birth and other pertinent information of taxpayers who have registered in their state tax returns as organ
66 donors for the sole purpose of identifying those tax filers as donors. On any registration used by the
67 department of revenue for organ donation, there shall be a disclaimer notice that informs the donor that
68 certain information shall be provided to federally designated organ procurement organization upon the
69 donor's death. Neither the commissioner of the department of revenue or any employee of the
70 commonwealth shall be liable in a suit for damage as a result of his acts or omissions or for any action
71 under the provisions of this section.

72 **SECTION 5.** Section 8 of chapter 90 of the General laws, as appearing in the 2006 Official Edition, is
73 hereby amended by inserting after the word "thereof" in line 27 the following words:- including any
74 online renewal.

75 **SECTION 6.** Section 8D of said chapter 90, as so appearing, is hereby amended by inserting after the
76 word "license" in line 2 the following words:- or registration.

77 **SECTION 7.** Said section 8D of said chapter 90, as so appearing, is hereby further amended by inserting
78 after the third paragraph the following paragraph:-

79 The registrar shall include on any license renewal form an option for renewing person to donate, in
80 addition to the fees for license renewal, a sum not less than 2 dollars to the Organ Donor Registration
81 Fund.

82 **SECTION 8.** Said section 8D of said chapter 90, as so appearing, is hereby amended by adding the
83 following paragraph:-

84 The registrar shall establish a means for a licensed driver in the commonwealth to register as an organ or
85 tissue donor through the registry website. Such means shall be in addition to, and contain the same
86 security provisions as, any online means of license or registration renewal.