

As Amended by Senate Committee

Session of 2010

SENATE BILL No. 391

By Committee on Public Health and Welfare

1-19

10 AN ACT concerning anatomical gifts; relating to first person donor reg-
11 istry; amending ~~K.S.A. 65-3219~~ and K.S.A. 2009 Supp. 65-3225 and
12 **65-3239** and repealing the existing sections.
13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 ~~Section 1. K.S.A. 65-3219 is hereby amended to read as follows: 65-~~
16 ~~3219. (a) Information obtained under K.S.A. 8-247 and 8-1325, and~~
17 ~~amendments thereto, from the division of vehicles by the Kansas federally~~
18 ~~designated organ procurement organization shall be used for the purpose~~
19 ~~of establishing a statewide organ and tissue donor registry accessible to~~
20 ~~in-state recognized cadaveric organ and cadaveric tissue agencies for the~~
21 ~~recovery or placement of organs and tissue and to procurement agencies~~
22 ~~in another state when a Kansas resident is a donor of an anatomical gift~~
23 ~~and is not located in Kansas at the time of death or immediately before~~
24 ~~the death of the donor. No organ or tissue donation organization may~~
25 ~~obtain information from the organ and tissue donor registry for the pur-~~
26 ~~poses of fund-raising. Organ and tissue donor registry information shall~~
27 ~~not be further disseminated unless authorized in this section or by federal~~
28 ~~law. Dissemination of organ and tissue donor registry information may~~
29 ~~be made by the Kansas federally designated organ procurement organi-~~
30 ~~zation to a recognized in-state procurement agency for other tissue re-~~
31 ~~covery, or an out-of-state federally designated organ procurement agency.~~
32 ~~*An individual who agrees to have such individual's name in the first per-*~~
33 ~~*son consent organ and tissue donor registry has given full legal consent*~~
34 ~~*to the donation of any of such individual's organs or tissues upon such*~~
35 ~~*individual's death as recorded in the registry.*~~

36 ~~(b) The Kansas federally designated organ procurement organization~~
37 ~~may acquire donor information from sources other than the division of~~
38 ~~vehicles.~~

39 ~~(c) All costs associated with the creation and maintenance of the or-~~
40 ~~gan and tissue donor registry shall be paid by the Kansas federally des-~~
41 ~~ignated organ procurement organization. Such organization shall also pay~~
42 ~~the costs of providing and maintaining the written information and edu-~~
43 ~~ational materials required to be distributed under subsection (g) of~~

1 ~~K.S.A. 8-247, and amendments thereto, and under subsection (b) of~~
2 ~~K.S.A. 8-1325, and amendments thereto.~~

3 ~~—(d) An individual does not need to participate in the organ and tissue~~
4 ~~donor registry to be a donor of organs or tissue. The registry is to facilitate~~
5 ~~organ and tissue donations and not inhibit Kansans from being donors~~
6 ~~upon death.~~

7 ~~Sec. 2.~~ **Section 1.** K.S.A. 2009 Supp. 65-3225 is hereby amended to
8 read as follows: 65-3225. (a) Subject to K.S.A. 2009 Supp. 65-3227, and
9 amendments thereto, a donor or other person authorized to make an
10 anatomical gift under K.S.A. 2009 Supp. 65-3223, and amendments
11 thereto, may amend or revoke an anatomical gift by:

12 (1) A record signed by:

13 (A) The donor;

14 (B) the other person; or

15 (C) subject to subsection (b), another individual acting at the direc-
16 tion of the donor or the other person if the donor or other person is
17 physically unable to sign; or

18 (2) a later-executed document of gift that amends or revokes a pre-
19 vious anatomical gift or portion of an anatomical gift, either expressly or
20 by inconsistency.

21 (b) A record signed pursuant to subsection (a)(1)(C) must:

22 (1) Be witnessed by at least two adults, at least one of whom is a
23 disinterested witness, who have signed at the request of the donor or the
24 other person; and

25 (2) state that it has been signed and witnessed as provided in para-
26 graph (1).

27 (c) Subject to K.S.A. 2009 Supp. 65-3227, and amendments thereto,
28 a donor or other person authorized to make an anatomical gift under
29 K.S.A. 2009 Supp. 65-3223, and amendments thereto, may revoke an
30 anatomical gift by the destruction or cancellation of the document of gift,
31 or the portion of the document of gift used to make the gift, with the
32 intent to revoke the gift.

33 (d) A donor may amend or revoke an anatomical gift that was not
34 made in a will by any form of communication during a terminal illness or
35 injury addressed to at least two adults, at least one of whom is a disinter-
36 ested witness.

37 (e) A donor who makes an anatomical gift in a will may amend or
38 revoke the gift in the manner provided for amendment or revocation of
39 wills or as provided in subsection (a).

40 (f) *A donor may revoke or amend an anatomical gift made by placing*
41 *such individual's name on the first person consent organ and tissue donor*
42 *registry by directly accessing the registry website or notifying the Kansas*
43 *federally designated organ procurement organization to request the*

1 *amendment or revocation. Withdrawal of such individual's consent to be*
2 *listed in the registry does not constitute a refusal to make an anatomical*
3 *gift of the individual's body or part.*

4 **Sec. 2. K.S.A. 2009 Supp. 65-3239 is hereby amended to read**
5 **as follows: 65-3239. (a) Information obtained under K.S.A. 8-247**
6 **and 8-1325, and amendments thereto, from the division of vehicles**
7 **by the Kansas federally designated organ procurement organization**
8 **shall be used for the purpose of establishing a statewide organ and**
9 **tissue donor registry accessible to in-state recognized cadaveric or-**
10 **gan and cadaveric tissue agencies for the recovery or placement of**
11 **organs and tissue and to procurement agencies in another state**
12 **when a Kansas resident is a donor of an anatomical gift and is not**
13 **located in Kansas at the time of death or immediately before the**
14 **death of the donor. No organ or tissue donation organization may**
15 **obtain information from the organ and tissue donor registry for the**
16 **purposes of fund-raising. Organ and tissue donor registry infor-**
17 **mation shall not be further disseminated unless authorized in this**
18 **section or by federal law. Dissemination of organ and tissue donor**
19 **registry information may be made by the Kansas federally desig-**
20 **nated organ procurement organization to a recognized in-state pro-**
21 **urement agency for other tissue recovery, or an out-of-state fed-**
22 **erally designated organ procurement agency. An individual who**
23 **agrees to have such individual's name in the first person consent organ**
24 **and tissue donor registry has given full legal consent to the donation of**
25 **any of such individual's organs or tissues upon such individual's death as**
26 **recorded in the registry.**

27 **(b) The Kansas federally designated organ procurement organ-**
28 **ization may acquire donor information from sources other than the**
29 **division of vehicles.**

30 **(c) All costs associated with the creation and maintenance of the**
31 **organ and tissue donor registry shall be paid by the Kansas feder-**
32 **ally designated organ procurement organization. Such organization**
33 **shall also pay the costs of providing and maintaining the written**
34 **information and educational materials required to be distributed**
35 **under subsection (g) of K.S.A. 8-247, and amendments thereto, and**
36 **under subsection (b) of K.S.A. 8-1325, and amendments thereto.**

37 **(d) An individual does not need to participate in the organ and**
38 **tissue donor registry to be a donor of organs or tissue. The registry**
39 **is to facilitate organ and tissue donations and not inhibit Kansans**
40 **from being donors upon death.**

41 **(e) This section shall be a part of and supplemental to the re-**
42 **vised uniform anatomical gift act.**

43 **Sec. 3. ~~K.S.A. 65-3219~~ and K.S.A. 2009 Supp. 65-3225 and 65-3239**

1 are hereby repealed.

2 Sec. 4. This act shall take effect and be in force from and after its
3 publication in the statute book.