

HOUSE BILL 301

N2, J1
HB 1133/20 – HGO

(PRE-FILED)

1lr1232
CF SB 265

By: **Delegates Shetty and R. Lewis**

Requested: October 29, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Estates and Trusts – Maryland Revised Uniform Anatomical Gift Act – Revisions**

3 FOR the purpose of altering the purposes for which certain anatomical gifts may be used;
4 repealing provisions of law that require certain persons to search certain individuals
5 for a document of gift or any other information identifying the individual as a donor,
6 that specify certain procedures to be taken if a document is located, and that concern
7 certain administrative sanctions; requiring a certain procurement organization to
8 make a certain search of certain registries under certain circumstances; and
9 generally relating to the Maryland Revised Uniform Anatomical Gift Act.

10 BY repealing and reenacting, without amendments,
11 Article – Estates and Trusts
12 Section 4–509(a) and (g)
13 Annotated Code of Maryland
14 (2017 Replacement Volume and 2020 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Estates and Trusts
17 Section 4–509(e) and (f) and 4–512(a)
18 Annotated Code of Maryland
19 (2017 Replacement Volume and 2020 Supplement)

20 BY repealing
21 Article – Estates and Trusts
22 Section 4–510
23 Annotated Code of Maryland
24 (2017 Replacement Volume and 2020 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Estates and Trusts

4–509.

(a) An anatomical gift may be made to the following persons named in a document of gift:

(1) A hospital, an accredited medical school, a dental school, a college or university, an organ procurement organization, the State Anatomy Board, or a nontransplant tissue bank for research, training, or education;

(2) Subject to subsection (b) of this section, if the individual is the recipient of the part, an individual designated by the person making the anatomical gift; or

(3) An eye bank or a transplant tissue bank.

(e) If an anatomical gift of one or more specific parts is made in a document of gift that does not name a person described in subsection (a) of this section and does not identify the purpose of the gift, the gift passes in accordance with subsection (g) of this section [and may be used only for transplantation or therapy].

(f) If a document of gift specifies only a general intent to make an anatomical gift by words such as “donor”, “organ donor”, or “body donor”, or by a symbol or statement of similar import, the gift passes in accordance with subsection (g) of this section and may be used [only] for transplantation, **RESEARCH, EDUCATION**, or therapy.

(g) For purposes of subsections (b), (e), and (f) of this section, the following provisions apply:

(1) If the part is an eye, the gift passes to the appropriate eye bank;

(2) If the part is tissue, the gift passes to the appropriate tissue bank; and

(3) If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ.

[4–510.

(a) The following persons shall make a reasonable search of an individual who the person reasonably believes is dead or whose death is imminent for a document of gift or any other information identifying the individual as a donor or as an individual who made a refusal:

(1) A law enforcement officer, firefighter, paramedic, or any other emergency rescuer finding the individual; and

1 (2) If no other source of the information is immediately available, a
2 hospital, as soon as practical after the individual's arrival at the hospital.

3 (b) If a document of gift or a refusal to make an anatomical gift is located by the
4 search required under subsection (a)(1) of this section and the individual or deceased
5 individual to whom it relates is taken to a hospital, the person responsible for conducting
6 the search shall send the document of gift or refusal to the hospital.

7 (c) A person is not subject to criminal or civil liability for failing to discharge the
8 duties imposed by this section but may be subject to administrative sanctions.]

9 4-512.

10 (a) Whenever a hospital refers an individual who is dead or whose death is
11 imminent to a procurement organization to ascertain whether the individual has made an
12 anatomical gift, the organization shall make a reasonable search of any **NATIONAL AND**
13 **LOCAL** donor registry that [the hospital knows] exists for the geographical area in which
14 the individual resides.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2021.