
SUBSTITUTE HOUSE BILL 1489

State of Washington

58th Legislature

2003 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Sullivan, Pflug, Schual-Berke, Crouse, Cody, Santos, Morrell, Wood, Anderson and Kenney)

READ FIRST TIME 02/24/03.

1 AN ACT Relating to the organ donor registry; amending RCW
2 68.50.540; adding new sections to chapter 68.50 RCW; adding a new
3 section to chapter 46.20 RCW; adding a new section to chapter 46.12
4 RCW; creating a new section; and providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that the use of
7 anatomical gifts, including the donation of organ or tissue, for the
8 purpose of transplantation is of great interest to the citizens of
9 Washington state and may save or prolong the life or improve the health
10 of extremely ill and dying persons.

11 The legislature further finds that more than eighty thousand people
12 are currently waiting for life-saving organ transplants on the national
13 transplant waiting list. More than one thousand two hundred of these
14 people are listed at Washington state transplant centers. Seventeen
15 people die each day as a result of the shortage of donated organs.

16 The creation of a statewide organ and tissue donor registry is
17 crucial to facilitate timely and successful organ and tissue
18 procurement. The legislature further finds that continuing education

1 as to the existence and maintenance of a statewide organ and tissue
2 donor registry is in the best interest of the people of the state of
3 Washington.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 68.50 RCW
5 to read as follows:

6 (1) The department of licensing shall electronically transfer to
7 the organ procurement organization designated by the United States
8 department of health and human services to serve Washington state all
9 information that appears on the front of a driver's license or
10 identicard including the name, gender, date of birth, and most recent
11 address of any person who obtains a driver's license or identicard who
12 volunteers to donate organs or tissue upon death. All subsequent
13 electronic transfers of donor information shall be at no charge to the
14 federally designated organ procurement organization.

15 (2) Information obtained by the federally designated organ
16 procurement organization shall be used for the purpose of establishing
17 a statewide organ and tissue donor registry accessible to in-state
18 recognized cadaveric organ and cadaveric tissue agencies for the
19 recovery or placement of organs and tissue and to procurement agencies
20 in another state when a Washington state resident is a donor of an
21 anatomical gift and is not located in this state at the time of death
22 or immediately before the death of the donor.

23 (3) No organ or tissue donation organization may obtain information
24 from the organ and tissue donor registry for the purposes of fund
25 raising. Organ and tissue donor registry information may not be
26 further disseminated unless authorized in this section or by federal
27 law. Dissemination of organ and tissue donor registry information may
28 be made by the organ procurement organization to a recognized in-state
29 procurement agency for other tissue recovery, or an out-of-state
30 federally designated organ procurement organization.

31 (4) The federally designated organ procurement organization may
32 acquire donor information from sources other than the department of
33 licensing.

34 (5) All reasonable costs associated with the creation and
35 maintenance of the organ and tissue donor registry shall be paid by
36 Washington state organ procurement organizations.

1 (6) Moneys from the organ and tissue donation awareness account,
2 created in section 6 of this act, shall be transferred to the
3 department of licensing for the reasonable costs associated with the
4 initial installation and setup for electronic transfer of the donor
5 information and for other costs as required by section 7 of this act.

6 (7) For the purposes of subsections (5) and (6) of this section,
7 reasonable costs include: (a) Programming and software installation
8 and upgrades; (b) employee training that is specific to the organ and
9 tissue donor registry; (c) literature that is specific to the organ and
10 tissue donor registry; and (d) hardware upgrades or other issues
11 important to the organ and tissue donor registry that have been
12 mutually agreed upon in advance by the department and the organ
13 procurement organization.

14 (8) An individual does not need to participate in the organ and
15 tissue donor registry to be a donor of organs or tissue. The registry
16 is to facilitate organ and tissue donations and not inhibit persons
17 from being donors upon death.

18 **Sec. 3.** RCW 68.50.540 and 1995 c 132 s 1 are each amended to read
19 as follows:

20 (1) An individual who is at least eighteen years of age, or an
21 individual who is at least sixteen years of age as provided in
22 subsection (12) of this section, may (a) make an anatomical gift for
23 any of the purposes stated in RCW 68.50.570(1), (b) limit an anatomical
24 gift to one or more of those purposes, or (c) refuse to make an
25 anatomical gift.

26 (2) An anatomical gift may be made by a document of gift signed by
27 the donor. If the donor cannot sign, the document of gift must be
28 signed by another individual and by two witnesses, all of whom have
29 signed at the direction and in the presence of the donor and of each
30 other and state that it has been so signed.

31 (3) If a document of gift is attached to or imprinted on a donor's
32 motor vehicle operator's license, the document of gift must comply with
33 subsection (2) of this section. Revocation, suspension, expiration, or
34 cancellation of the license does not invalidate the anatomical gift.

35 (4) The donee or other person authorized to accept the anatomical
36 gift may employ or authorize a physician, surgeon, technician, or
37 enucleator to carry out the appropriate procedures.

1 (5) An anatomical gift by will takes effect upon death of the
2 testator, whether or not the will is probated. If, after death, the
3 will is declared invalid for testamentary purposes, the validity of the
4 anatomical gift is unaffected.

5 (6)(a) A donor may amend or revoke an anatomical gift, not made by
6 will, by:

7 ((+a)) (i) A signed statement;

8 ((+b)) (ii) An oral statement made in the presence of two
9 individuals;

10 ((+c)) (iii) Any form of communication during a terminal illness
11 or injury; or

12 ((+d)) (iv) The delivery of a signed statement to a specified
13 donee to whom a document of gift had been delivered.

14 (b) A donor shall notify the organ procurement organization
15 designated by the United States department of health and human services
16 to serve Washington state of the destruction, cancellation, or
17 mutilation of the document of gift for the purpose of removing the
18 person's name from the organ and tissue donor registry created in
19 section 2 of this act.

20 (7) The donor of an anatomical gift made by will may amend or
21 revoke the gift in the manner provided for amendment or revocation of
22 wills, or as provided in subsection (6) of this section.

23 (8) An anatomical gift that is not revoked by the donor before
24 death is irrevocable and does not require the consent or concurrence of
25 a person after the donor's death.

26 (9) An individual may refuse to make an anatomical gift of the
27 individual's body or part by (a) a writing signed in the same manner as
28 a document of gift, (b) a statement attached to or imprinted on a
29 donor's motor vehicle operator's license, or (c) another writing used
30 to identify the individual as refusing to make an anatomical gift.
31 During a terminal illness or injury, the refusal may be an oral
32 statement or other form of communication.

33 (10) In the absence of contrary indications by the donor, an
34 anatomical gift of a part is neither a refusal to give other parts nor
35 a limitation on an anatomical gift under RCW 68.50.550.

36 (11) In the absence of contrary indications by the donor, a
37 revocation or amendment of an anatomical gift is not a refusal to make

1 another anatomical gift. If the donor intends a revocation to be a
2 refusal to make an anatomical gift, the donor shall make the refusal
3 pursuant to subsection (9) of this section.

4 (12) An individual who is under the age of eighteen, but is at
5 least sixteen years of age, may make an anatomical gift as provided by
6 subsection (2) of this section, if the document of gift is also signed
7 by either parent or a guardian of the donor. A document of gift signed
8 by a donor under the age of eighteen that is not signed by either
9 parent or a guardian shall not be considered valid until the person
10 reaches the age of eighteen, but may be considered as evidence that the
11 donor has not refused permission to make an anatomical gift under the
12 provisions of RCW 68.50.550.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.20 RCW
14 to read as follows:

15 The department shall electronically transfer the information of all
16 persons who upon application for a driver's license or identicard
17 volunteer to donate organs or tissue to the registry created in section
18 2 of this act, and any subsequent changes to the applicant's donor
19 status when the applicant renews a driver's license or identicard or
20 applies for a new driver's license or identicard.

21 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.12 RCW
22 to read as follows:

23 An applicant for a new or renewed registration for a vehicle
24 required to be registered under this chapter or chapter 46.16 RCW may
25 make a donation of one dollar or more to the organ and tissue donation
26 awareness account to promote the donation of organs and tissues under
27 the provisions of the uniform anatomical gift act, RCW 68.50.520
28 through 68.50.630. The department shall collect the donations and
29 credit the donations to the organ and tissue donation awareness
30 account, created in section 6 of this act. At least quarterly, the
31 department shall transmit donations made to the organ and tissue
32 donation awareness account to the foundation established for organ and
33 tissue donor awareness purposes by the organ procurement organization
34 designated by the United States department of health and human services
35 to serve Washington state. The donation of one or more dollars is

1 voluntary and may be refused by the applicant. The department shall
2 make available informational booklets or other informational sources on
3 the importance of organ and tissue donations to applicants.

4 The department shall inquire of each applicant at the time the
5 completed application is presented whether the applicant is interested
6 in making a donation of one dollar or more and shall also specifically
7 inform the applicant of the option for organ and tissue donations as
8 required by RCW 46.20.113. The department shall also provide written
9 information to each applicant volunteering to become an organ and
10 tissue donor. The written information shall disclose that the
11 applicant's name shall be transmitted to the organ and tissue donor
12 registry created in section 2 of this act, and that the applicant shall
13 notify the federally designated organ procurement organization of any
14 changes to the applicant's donor status.

15 All reasonable costs associated with the creation and maintenance
16 of the donation program created under this section must be paid by
17 Washington state organ procurement organizations. For the purposes of
18 this section, reasonable costs include: (1) Programming and software
19 installation and upgrades; (2) employee training that is specific to
20 the donation program created under this section; (3) literature that is
21 specific to the donation program created under this section; and (4)
22 hardware upgrades or other issues important to the donation program
23 created under this section that have been mutually agreed upon in
24 advance by the department and the organ procurement organization.

25 NEW SECTION. **Sec. 6.** A new section is added to chapter 68.50 RCW
26 to read as follows:

27 The organ and tissue donation awareness account is created in the
28 custody of the state treasurer. All receipts from donations made under
29 section 5 of this act, and other contributions and appropriations
30 specifically made for the purposes of organ and tissue donor awareness,
31 shall be deposited into the account. Money from the account may be
32 used only for organ and tissue donor awareness programs and for those
33 costs set out in section 2 (5) and (6) of this act. The account is not
34 subject to allotment procedures under chapter 43.88 RCW and an
35 appropriation is not required for expenditures.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 68.50 RCW
2 to read as follows:

3 The department of licensing shall submit a request to the
4 legislature covering the reasonable costs associated with the ongoing
5 maintenance of the organ and tissue donor registry and the donation
6 program established in section 5 of this act. The legislature shall
7 appropriate an amount it deems reasonable from the organ and tissue
8 donation awareness account, created in section 6 of this act, to the
9 department of licensing for these purposes. For the purposes of this
10 section, reasonable costs include: (1) Programming and software
11 installation and upgrades; (2) employee training that is specific to
12 the organ and tissue donor registry or the donation program created in
13 section 5 of this act; (3) literature that is specific to the organ and
14 tissue donor registry or the donation program created in section 5 of
15 this act; and (4) hardware upgrades or other issues important to the
16 organ and tissue donor registry or the donation program created in
17 section 5 of this act that have been mutually agreed upon in advance by
18 the department of licensing and the organ procurement organization.

19 At least quarterly, the department of licensing shall transmit the
20 remaining funds from the organ and tissue donation awareness account to
21 the foundation established for organ and tissue donor awareness
22 purposes by the organ procurement organization designated by the United
23 States department of health and human services to serve Washington
24 state for the costs associated with educating the public about the
25 organ and tissue donor registry and related organ and tissue donation
26 education programs.

27 NEW SECTION. **Sec. 8.** Section 5 of this act takes effect January
28 1, 2004.

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