

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5509

Chapter 94, Laws of 2003

58th Legislature
2003 Regular Session

ORGAN DONOR REGISTRY

EFFECTIVE DATE: 7/27/03

Passed by the Senate April 22, 2003
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 10, 2003
YEAS 77 NAYS 17

FRANK CHOPP

Speaker of the House of Representatives

Approved May 6, 2003.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE SENATE BILL 5509 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

May 6, 2003 - 6:55 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5509

AS AMENDED BY THE HOUSE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators B. Sheldon, Kohl-Welles, Deccio and Winsley)

READ FIRST TIME 02/28/03.

1 AN ACT Relating to the organ donor registry; amending RCW 68.50.530
2 and 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; and creating new sections.

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. Nationally,
15 seventeen people die each day as a result of the shortage of donated
16 organs.

17 The creation of a statewide organ and tissue donor registry is
18 crucial to facilitate timely and successful organ and tissue
19 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 **Sec. 2.** RCW 68.50.530 and 1996 c 178 s 15 are each amended to read
5 as follows:

6 Unless the context requires otherwise, the definitions in this
7 section apply throughout RCW 68.50.520 through (~~68.50.630~~) 68.50.620,
8 sections 3 and 7 of this act, and 68.50.901 through 68.50.904.

9 (1) "Anatomical gift" means a donation of all or part of a human
10 body to take effect upon or after death.

11 (2) "Decedent" means a deceased individual.

12 (3) "Document of gift" means a card, a statement attached to or
13 imprinted on a motor vehicle operator's license, a will, or other
14 writing used to make an anatomical gift.

15 (4) "Donor" means an individual who makes an anatomical gift of all
16 or part of the individual's body.

17 (5) "Enucleator" means an individual who is qualified to remove or
18 process eyes or parts of eyes.

19 (6) "Hospital" means a facility licensed under chapter 70.41 RCW,
20 or as a hospital under the law of any state or a facility operated as
21 a hospital by the United States government, a state, or a subdivision
22 of a state.

23 (7) "Part" means an organ, tissue, eye, bone, artery, blood, fluid,
24 or other portion of a human body.

25 (8) "Person" means an individual, corporation, business trust,
26 estate, trust, partnership, joint venture, association, government,
27 governmental subdivision or agency, or any other legal or commercial
28 entity.

29 (9) "Physician" or "surgeon" means an individual licensed or
30 otherwise authorized to practice medicine and surgery or osteopathic
31 medicine and surgery under chapters 18.71 and 18.57 RCW.

32 (10) "Procurement organization" means a person licensed,
33 accredited, or approved under the laws of any state for procurement,
34 distribution, or storage of human bodies or parts.

35 (11) "Reasonable costs" include: (a) Programming and software
36 installation and upgrades; (b) employee training that is specific to
37 the organ and tissue donor registry or the donation program created in

1 section 6 of this act; (c) literature that is specific to the organ and
2 tissue donor registry or the donation program created in section 6 of
3 this act; and (d) hardware upgrades or other issues important to the
4 organ and tissue donor registry or the donation program created in
5 section 6 of this act that have been mutually agreed upon in advance by
6 the department of licensing and the Washington state organ procurement
7 organizations.

8 (12) "State" means a state, territory, or possession of the United
9 States, the District of Columbia, or the Commonwealth of Puerto Rico.

10 ((+12+)) (13) "Technician" means an individual who is qualified to
11 remove or process a part.

12 (14) "Washington state organ procurement organization" means an
13 organ procurement organization that has been designated by the United
14 States department of health and human services to coordinate organ
15 procurement activities for any portion of Washington state.

16 NEW SECTION. Sec. 3. A new section is added to chapter 68.50 RCW
17 to read as follows:

18 (1) The department of licensing shall electronically transfer all
19 information that appears on the front of a driver's license or
20 identicard including the name, gender, date of birth, and most recent
21 address of any person who obtains a driver's license or identicard and
22 volunteers to donate organs or tissue upon death to any Washington
23 state organ procurement organization that intends to establish a
24 statewide organ and tissue donor registry as provided under subsection
25 (2) of this section. All subsequent electronic transfers of donor
26 information shall be at no charge to this Washington state organ
27 procurement organization.

28 (2) Information obtained by a Washington state organ procurement
29 organization under subsection (1) of this section shall be used for the
30 purpose of establishing a statewide organ and tissue donor registry
31 accessible to in-state recognized cadaveric organ and cadaveric tissue
32 agencies for the recovery or placement of organs and tissue and to
33 procurement agencies in another state when a Washington state resident
34 is a donor of an anatomical gift and is not located in this state at
35 the time of death or immediately before the death of the donor. Any
36 registry created using information acquired under subsection (1) of

1 this section must include all residents of Washington state regardless
2 of their residence within the service area designated by the federal
3 government.

4 (3) No organ or tissue donation organization may obtain information
5 from the organ and tissue donor registry for the purposes of fund
6 raising. Organ and tissue donor registry information may not be
7 further disseminated unless authorized in this section or by federal
8 law. Dissemination of organ and tissue donor registry information may
9 be made by a Washington state organ procurement organization to another
10 Washington state organ procurement organization, a recognized in-state
11 procurement agency for other tissue recovery, or an out-of-state
12 federally designated organ procurement organization that has been
13 designated by the United States department of health and human services
14 to serve an area outside Washington.

15 (4) A Washington state organ procurement organization may acquire
16 donor information from sources other than the department of licensing.

17 (5) All reasonable costs associated with the creation of an organ
18 and tissue donor registry shall be paid by the Washington state organ
19 procurement organization that has requested the information. The
20 reasonable costs associated with the initial installation and setup for
21 electronic transfer of the donor information at the department of
22 licensing shall be paid by the Washington state organ procurement
23 organization that requested the information.

24 (6) An individual does not need to participate in the organ and
25 tissue donor registry to be a donor of organs or tissue. The registry
26 is to facilitate organ and tissue donations and not inhibit persons
27 from being donors upon death.

28 **Sec. 4.** RCW 68.50.540 and 1995 c 132 s 1 are each amended to read
29 as follows:

30 (1) An individual who is at least eighteen years of age, or an
31 individual who is at least sixteen years of age as provided in
32 subsection (12) of this section, may (a) make an anatomical gift for
33 any of the purposes stated in RCW 68.50.570(1), (b) limit an anatomical
34 gift to one or more of those purposes, or (c) refuse to make an
35 anatomical gift.

36 (2) An anatomical gift may be made by a document of gift signed by
37 the donor. If the donor cannot sign, the document of gift must be

1 signed by another individual and by two witnesses, all of whom have
2 signed at the direction and in the presence of the donor and of each
3 other and state that it has been so signed.

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

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

11 (5) An anatomical gift by will takes effect upon death of the
12 testator, whether or not the will is probated. If, after death, the
13 will is declared invalid for testamentary purposes, the validity of the
14 anatomical gift is unaffected.

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

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

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

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

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

24 (b) A donor shall notify a Washington state organ procurement
25 organization of the destruction, cancellation, or mutilation of the
26 document of gift for the purpose of removing the person's name from the
27 organ and tissue donor registry created in section 3 of this act. If
28 the Washington state organ procurement organization that is notified
29 does not maintain a registry for Washington residents, it shall notify
30 all Washington state organ procurement organizations that do maintain
31 such a registry.

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

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

1 (9) An individual may refuse to make an anatomical gift of the
2 individual's body or part by (a) a writing signed in the same manner as
3 a document of gift, (b) a statement attached to or imprinted on a
4 donor's motor vehicle operator's license, or (c) another writing used
5 to identify the individual as refusing to make an anatomical gift.
6 During a terminal illness or injury, the refusal may be an oral
7 statement or other form of communication.

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

11 (11) In the absence of contrary indications by the donor, a
12 revocation or amendment of an anatomical gift is not a refusal to make
13 another anatomical gift. If the donor intends a revocation to be a
14 refusal to make an anatomical gift, the donor shall make the refusal
15 pursuant to subsection (9) of this section.

16 (12) An individual who is under the age of eighteen, but is at
17 least sixteen years of age, may make an anatomical gift as provided by
18 subsection (2) of this section, if the document of gift is also signed
19 by either parent or a guardian of the donor. A document of gift signed
20 by a donor under the age of eighteen that is not signed by either
21 parent or a guardian shall not be considered valid until the person
22 reaches the age of eighteen, but may be considered as evidence that the
23 donor has not refused permission to make an anatomical gift under the
24 provisions of RCW 68.50.550.

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.20 RCW
26 to read as follows:

27 The department shall electronically transfer the information of all
28 persons who upon application for a driver's license or identicard
29 volunteer to donate organs or tissue to a registry created in section
30 3 of this act, and any subsequent changes to the applicant's donor
31 status when the applicant renews a driver's license or identicard or
32 applies for a new driver's license or identicard.

33 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.12 RCW
34 to read as follows:

35 An applicant for a new or renewed registration for a vehicle
36 required to be registered under this chapter or chapter 46.16 RCW may

1 make a donation of one dollar or more to the organ and tissue donation
2 awareness account to promote the donation of organs and tissues under
3 the provisions of the uniform anatomical gift act, RCW 68.50.520
4 through 68.50.630. The department shall collect the donations and
5 credit the donations to the organ and tissue donation awareness
6 account, created in section 7 of this act. At least quarterly, the
7 department shall transmit donations made to the organ and tissue
8 donation awareness account to the foundation established for organ and
9 tissue donation awareness purposes by the Washington state organ
10 procurement organizations. All Washington state organ procurement
11 organizations will have proportional access to these funds to conduct
12 public education in their service areas. The donation of one or more
13 dollars is voluntary and may be refused by the applicant. The
14 department shall make available informational booklets or other
15 informational sources on the importance of organ and tissue donations
16 to applicants.

17 The department shall inquire of each applicant at the time the
18 completed application is presented whether the applicant is interested
19 in making a donation of one dollar or more and shall also specifically
20 inform the applicant of the option for organ and tissue donations as
21 required by RCW 46.20.113. The department shall also provide written
22 information to each applicant volunteering to become an organ and
23 tissue donor. The written information shall disclose that the
24 applicant's name shall be transmitted to the organ and tissue donor
25 registry created in section 3 of this act, and that the applicant shall
26 notify a Washington state organ procurement organization of any changes
27 to the applicant's donor status.

28 All reasonable costs associated with the creation of the donation
29 program created under this section must be paid proportionally or by
30 other agreement by a Washington state organ procurement organization.

31 For the purposes of this section, "reasonable costs" and
32 "Washington state organ procurement organization" have the same meaning
33 as defined in RCW 68.50.530.

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

36 (1) The organ and tissue donation awareness account is created in
37 the custody of the state treasurer. All receipts from donations made

1 under section 6 of this act, and other contributions and appropriations
2 specifically made for the purposes of organ and tissue donor awareness,
3 shall be deposited into the account. Except as provided in subsection
4 (2) of this section, expenditures from the account may be authorized by
5 the director of the department of licensing or the director's designee
6 and do not require an appropriation.

7 (2) The department of licensing shall submit a funding request to
8 the legislature covering the reasonable costs associated with the
9 ongoing maintenance associated with the electronic transfer of the
10 donor information to the organ and tissue donor registry and the
11 donation program established in section 6 of this act. The legislature
12 shall appropriate to the department of licensing an amount it deems
13 reasonable from the organ and tissue donation awareness account to the
14 department of licensing for these purposes.

15 (3) At least quarterly, the department of licensing shall transmit
16 any remaining moneys in the organ and tissue donation awareness account
17 to the foundation established in section 6 of this act for the costs
18 associated with educating the public about the organ and tissue donor
19 registry and related organ and tissue donation education programs.

20 (4) Funding for donation awareness programs must be proportional
21 across the state regardless of which Washington state organ procurement
22 organization may be designated by the United States department of
23 health and human services to serve a particular geographic area. No
24 funds from the account may be used to fund activities outside
25 Washington state.

26 NEW SECTION. **Sec. 8.** Section 6 of this act takes effect with
27 registrations that are due or become due January 1, 2004, or later.

Passed by the Senate April 22, 2003.

Passed by the House April 10, 2003.

Approved by the Governor May 6, 2003.

Filed in Office of Secretary of State May 6, 2003.