

ORIGINAL HOUSE
BILL NO. 0131

ENROLLED ACT NO. 51, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

AN ACT relating to public health and safety; creating an organ and tissue donor registry; modifying donor requirements; modifying provisions pertaining to driver's licenses and identification cards for donors; providing donor notice provisions to procurement agencies; making conforming amendments; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 35-5-119 is created to read:

35-5-119. Organ and tissue donor registry.

(a) The department of transportation shall electronically transfer to a procurement agency the following information that appears on the front of the driver's license or identification card including the name, gender, date of birth, social security number, driver's license or identification card number, issue date or renewal date and address of the individual identified as a donor. The department of transportation shall also electronically transfer any subsequent change to the donor's status, including revocation of the gift. The department of transportation shall submit a statement of costs incurred to initially install and establish the electronic transfer of donor information, to the department of health. The department of health shall direct the state auditor to reimburse the department of transportation for the costs from the anatomical awareness account under W.S. 35-5-118. There shall be no charge to a procurement agency for the transfer of donor information.

(b) With the information obtained from the department of transportation and from other sources including donors and donor's agents pursuant to W.S. 35-5-104(b), the

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procurement agency shall establish and maintain a statewide organ and tissue donor registry to facilitate organ and tissue donations. The cost incurred to create and maintain the registry shall be paid by the procurement agency. Registry information shall be accessible to any procurement agency located in Wyoming and may be disseminated to a procurement agency in another state for the recovery or placement of organs and tissue. Registry information may also be disseminated to Wyoming eye banks under this section.

(c) Organ and tissue donor registry information shall not be disseminated to another organ or tissue donor organization for purposes of fund raising nor for any other purpose not specifically authorized under this section.

(d) Participation in the registry is not required for an individual to be a donor.

Section 2. W.S. 31-7-139(a), 31-8-101(a), 35-5-101(a) by creating a new paragraph (xi) and by amending and renumbering (xi) as (xii), 35-5-102(a), 35-5-104(b) and by creating a new subsection (f), 35-5-106 by creating a new subsection (d), 35-5-112(a) through (d) and 35-5-113 are amended to read:

31-7-139. Anatomical organ donor.

(a) The department shall, at the applicant's request, identify on the Wyoming driver's license or identification card that the person is an anatomical organ donor ~~and shall issue an organ donor card pursuant to the programs established as provided~~ by W.S. 35-5-112.

31-8-101. Issuance to residents by department; restrictions.

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(a) Any Wyoming resident may be issued an identification card by the department of transportation. The application shall state the legal name, correct age and any other identifying data the department may require and shall be signed and verified by the applicant. The identification card shall at the applicant's request indicate that the applicant is an anatomical organ donor. ~~An organ donor card shall be issued to an applicant expressing a desire to be an organ donor. A parent's or guardian's signature is required to authorize the organ donor notation on the identification card of or the issuance of a donor card to persons under eighteen (18) years of age. Requirements for a parent or guardian's signature on the organ donor card are specified in W.S. 35-5-104(b)~~ as provided by W.S. 35-5-112.

35-5-101. Definitions.

(a) As used in this act:

(xi) "Registry" means the organ and tissue donor registry;

~~(xi)~~ (xii) "This act" means W.S. 35-5-101 through ~~35-5-118~~ 35-5-119.

35-5-102. Donors generally; when donee not to accept gift; when gift to be made; examination of body; rights of donee.

(a) Any individual of sound mind may give an anatomical gift for any purpose specified in W.S. 35-5-103, the gift to take effect upon death provided, a parent or guardian's signature is required to authorize an anatomical gift from persons under eighteen (18) years of age.

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35-5-104. Gift may be made by will, document or donor card; when gift effective; attending physician as donee; designation of surgeon or physician to carry out appropriate procedures.

(b) An anatomical gift under W.S. 35-5-102(a) may also be made by document other than a will. The gift becomes effective upon the death of the donor. To be effective, the document, which may be a donor card designed to be carried on the person, shall be signed by the donor in the presence of two (2) witnesses who shall sign the document in his presence. If the donor is under eighteen (18) years of age, one (1) of the witnesses signing the donor card or other document shall be the donor's parent or legal guardian. If the donor cannot sign, the document may be signed for him at his direction and in his presence in the presence of two (2) witnesses who shall sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid. The donor or the donor's agent may notify the procurement agency of the anatomical gift, to be listed in the registry pursuant to W.S. 35-5-119.

(f) An anatomical gift under W.S. 35-5-102(a) may be made by a driver's license or identification card with a donor marking affixed pursuant to W.S. 35-5-112.

35-5-106. Amendment or revocation of gift.

(d) A donor who has notified the procurement agency pursuant to W.S. 35-5-104(b) to be included in the registry, may amend or revoke the gift by notifying the procurement agency of the change.

35-5-112. Driver's license indication of anatomical

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organ donors; procedure.

(a) The department of transportation shall adopt and implement a program whereby anatomical organ donors may be so identified by ~~an appropriate decal, sticker or other~~ a marking to be affixed to the driver's license or identification card of the person. ~~In addition to affixing the donor marking provided in this subsection, the department shall issue a donor card to each applicant indicating his desire to donate his organs. The donor card shall meet the requirements of W.S. 35-5-104(b). The card shall be signed by the donor and two (2) witnesses as required by W.S. 35-5-104(b) at any time after issuance.~~

(b) The department shall provide space on every application for a driver's license, identification card or renewal in which the applicant may indicate his desire to have the donor marking on his driver's license or identification card. ~~and to receive the donor card as provided in subsection (a) of this section.~~ In addition, any person whose license has not expired or who has already obtained a license or identification card may have the marking affixed by, ~~and receive the donor card from,~~ the department upon request. A parent or guardian's signature is required to authorize the organ donor notation on the driver's license or identification card ~~of or the issuance of a donor card to~~ for persons under eighteen (18) years of age. ~~To be effective, the donor card shall be executed in compliance with W.S. 35-5-104(b).~~

(c) The department shall publish the existence of the programs established by this section along with information regarding the procedures for having the marking affixed to a license or identification card. ~~and for receiving a donor card.~~

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(d) The department shall notify its counterparts in each of the other states as to the existence of the programs and the significance of the marking ~~and donor card.~~

35-5-113. Peace officer's actions.

A peace officer responding to an incident which may result in the death of a potential donor shall, without unnecessary delay, inform the personnel at the hospital where the potential donor is taken if a ~~donor card~~ driver's license or identification card with the donor marking has been found.

Section 3. This act is effective July 1, 2003.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk