

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Katherine Clark

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Establishing an Organ Donation Registration Fund.

PETITION OF:

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ESTABLISHING AN ORGAN DONATION REGISTRATION FUND.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 **SECTION 1.** The provisions of this bill may be known as “Laura’s Law”.

2

3 **SECTION 2.** Chapter 20 of the General Laws is hereby amended by inserting after section 35 the
4 following section:-

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6 Section 35E ½ There shall be established and set up on the books of the commonwealth a separate fund
7 to be known as the Organ Donor Registration Fund, to facilitate the registration of residents of the
8 commonwealth as organ donors. Said fund shall consist of all revenues by the commonwealth: (1)
9 under the provisions of section 8D of chapter 90 and section 15 of chapter 17; and (2) from public and
10 private sources as gifts, grants, and donations to further such facilitation.

11

12 All revenues credited under this section shall remain in said Organ Donor Registration Fund, not subject
13 to appropriation, to facilitate the registration of residents of the commonwealth as organ donors. The
14 state treasurer shall not deposit said revenues in or transfer said revenues to the general fund or any
15 other fund other than the Organ Donor Registration Fund.

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17 The state treasurer shall deposit the fund in accordance with the provisions of section 34 and 34A of
18 chapter 29 in such manner as will secure the highest interest available consistent with safety of the fund
19 and with the requirement that all amounts on deposit be available for immediate withdrawal at any

20 time. The fund shall be expended only for the purposes stated above at the direction of the
21 commissioner of public health and any unexpended balances shall be redeposited, as herein provided,
22 for future use consistent with this section.

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24 **SECTION 3.** Chapter 17 of the General Laws is hereby amended by striking out section 15 and inserting
25 in place thereof the following section:-

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27 There shall be an advisory council on organ transplants and donations consisting of the commissioner of
28 public health, the president of the Massachusetts Medical Society, the registrar of motor vehicles, the
29 director of the division of organ transplants, a representative of a federally-designed organ procurement
30 organization serving Massachusetts, and 10 persons experienced in the field of organ donations or
31 transplants to be appointed by the governor, at least 1 of whom shall be a recipient of a donated organ,
32 at least 1 of whom shall be a donor or a family member of a donated organ, and at least one of whom
33 shall be a doctor experienced in organ transplantation. Upon the expiration of the term of any
34 appointive member, a successor shall be appointed in like manner for a term of three years. The term of
35 all appointive members shall be three years and no such member shall be appointed to serve more than
36 2 consecutive terms.

37

38 The governor shall annually designate the chairman of the council from among its members. The
39 council shall meet at least 4 times each year, and shall convene special meetings at the call of the
40 chairman, a majority of the members of the council, the commissioner of public health, or the director
41 of the division of organ transplants. The director of the division of organ transplants shall serve as 6th
42 executive secretary of the council and shall attend all meetings. The council shall make an annual report
43 to the governor, which shall include an account of all actions taken to further organ donation, and shall
44 file a copy of said report with the state secretary, the clerk of the senate and the clerk of the house of
45 representatives. Members of the council shall serve without compensation but shall be reimbursed for
46 their expenses actually and necessarily incurred in the discharge of their duties.

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48 Said advisory council shall (s) assist the commissioner of public health and the director of the division of
49 organ transplants in coordinating the efforts of all public and private agencies within the commonwealth
50 concerned with the donation and transplantation of human organs, (b) advise the said commissioner
51 and said director on policy and priorities of need in the commonwealth for a comprehensive program
52 relative to organ donations and transplants, (c) review the annual plans, the proposed annual budget
53 and the programs and services of the division and make recommendations to the commissioner,
54 including approval, modification, or disapproval in regard thereto; (d) assist the direction of the division
55 or organ transplants in developing strategies to increase organ donation any means which the council

56 and director may find effective, the funding for which shall come from the Organ Donor Registration
57 Fund; (e) assist the director in developing and updating an informational booklet about organ donation
58 which shall be given to an organ donor upon registration; provided that the council shall seek the
59 assistance of the federally-designated organ procurement organization of Massachusetts in developing
60 said booklet; (f) assist the director in establishing a website relative to organ donation, which shall
61 include, but not limited to, the information contained in the informational booklet, any other
62 information which the council and director consider beneficial in increasing public knowledge about the
63 need for organ donation, and a means by which the public may donate to the Organ Donor Registration
64 Fund; (g) facilitate and assist in establishment of program by which employers match the donations of
65 their employees to the Organ Donor Registration Fund; and (h) establish numerical goals for increasing
66 organ donation rates in the commonwealth, which shall include a baseline account of current organ
67 donation rate, as well as periodic benchmarks for success.

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69 **SECTION 4.** Section 6E of chapter 62 of the General Laws, as appearing in the 2006 Official Edition, is
70 hereby amended by inserting after the 4th paragraph the following paragraph:-

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72 Every individual who files a separate return and every husband and wife filing a return jointly may
73 register to become an organ donor on the tax return. The department of revenue shall provide to the
74 federally designated organ procurement organizations serving the commonwealth access to names,
75 dates of birth and other pertinent information of taxpayers who have registered in their state tax
76 returns as organ donors for the sole purpose of identifying those tax filers as donors. On any
77 registration used by the department of revenue for organ donation, there shall be a disclaimer notice
78 that informs the donor that certain information shall be provided to federally designated organ
79 procurement organization upon the donor's death. Neither the commissioner of the department of
80 revenue or any employee of the commonwealth shall be liable in a suit for damage as a result of his acts
81 or omissions or for any action under the provisions of this section.

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83 **SECTION 5.** Section 8 of chapter 90 of the General laws, as appearing in the 2006 Official Edition, is
84 hereby amended by inserting after the word "thereof" in line 27 the following words:- including any
85 online renewal.

86

87 **SECTION 6.** Section 8D of said chapter 90, as so appearing, is hereby amended by inserting after the
88 word "license" in line 2 the following words:- or registration.

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90 **SECTION 7.** Said section 8D of said chapter 90, as so appearing, is hereby further amended by inserting
91 after the third paragraph the following paragraph:-

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93 The registrar shall include on any license renewal form an option for renewing person to donate, in
94 addition to the fees for license renewal, a sum not less than 2 dollars to the Organ Donor Registration
95 Fund.

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97 **SECTION 8.** Said section 8D of said chapter 90, as so appearing, is hereby amended by adding the
98 following paragraph:-

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100 The registrar shall establish a means for a licensed driver in the commonwealth to register as an organ
101 or tissue donor through the registry website. Such means shall be in addition to, and contain the same
102 security provisions as, any online means of license or registration renewal.