

Senate, April 2, 1998. The Committee on Public Health reported through SEN. HARP, 10th DIST., Chairman of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING ANATOMICAL DONATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-279b of the general
2 statutes is repealed and the following is
3 substituted in lieu thereof:

4 (a) A person who is at least eighteen years
5 of age may (1) make an anatomical gift for any of
6 the purposes stated in subsection (a) of section
7 19a-279f, (2) limit an anatomical gift to one or
8 more of such purposes, or (3) refuse to make an
9 anatomical gift.

10 (b) An anatomical gift may be made by a
11 document of gift signed by the donor. If the donor
12 cannot sign, the document of gift shall be signed
13 by another person and by two witnesses, all of
14 whom have signed at the direction and in the
15 presence of the donor and of each other, and state
16 that it has been so signed.

17 (c) If a document of gift is attached to or
18 imprinted on a donor's motor vehicle operator's
19 license, the document of gift shall comply with
20 subsection (b) of this section. Revocation,
21 suspension, expiration or cancellation of the
22 license shall not invalidate the anatomical gift.

23 (d) A document of gift may designate a
24 particular physician or surgeon to carry out the

25 appropriate procedures. In the absence of a
26 designation or if the designee is not available,
27 the donee or other person authorized to accept the
28 anatomical gift may employ or authorize any
29 physician or surgeon to carry out the appropriate
30 procedure.

31 (e) An anatomical gift by will shall take
32 effect upon the death of the testator, whether or
33 not the will is probated. If, after death, the
34 will is declared invalid for testamentary
35 purposes, the validity of the anatomical gift is
36 unaffected.

37 (f) A donor may amend or revoke an anatomical
38 gift, not made by will, only by: (1) A signed
39 statement; [(2) an oral statement made in the
40 presence of two persons; (3) any form of
41 communication during a terminal illness or injury
42 addressed to a physician or surgeon;] (2)
43 the delivery of a signed statement to a specified
44 donee to whom a document of gift had been
45 delivered.

46 (g) The donor of an anatomical gift made by
47 will may amend or revoke the gift in the manner
48 provided for amendment or revocation of wills, or
49 as provided in subsection (f) of this section.

50 (h) An anatomical gift that is not revoked by
51 the donor before death is irrevocable and shall
52 not require the consent or concurrence of any
53 person after the death of the donor.

54 (i) A person may refuse to make an anatomical
55 gift of his body or part by (1) a writing signed
56 in the same manner as a document of gift, (2) a
57 statement attached to or imprinted on a donor's
58 motor vehicle operator's or chauffeur's license or
59 (3) any other writing used to identify the person
60 as refusing to make an anatomical gift. During a
61 terminal illness or injury, the refusal may be an
62 oral statement or other form of communication.

63 (j) In the absence of contrary indications by
64 the donor, an anatomical gift of a part is neither
65 a refusal to give other parts nor a limitation on
66 an anatomical gift under section 19a-279c or on a
67 removal or release of other parts under section
68 19a-279d.

69 (k) In the absence of contrary indications by
70 the donor, a revocation or amendment of an
71 anatomical gift is not a refusal to make another
72 anatomical gift. If the donor intends a revocation

73 to be a refusal to make an anatomical gift, the
74 donor shall make the refusal pursuant to
75 subsection (i) of this section.

76 Sec. 2. Section 19a-279j of the general
77 statutes is repealed and the following is
78 substituted in lieu thereof:

79 (a) An anatomical gift shall authorize any
80 reasonable examination necessary to assure medical
81 acceptability of the gift for the purposes
82 intended.

83 (b) The provisions of sections 19a-279a to
84 19a-279l, inclusive, AS AMENDED BY THIS ACT, shall
85 be subject to the laws of this state governing
86 autopsies.

87 (c) A hospital, physician, surgeon, medical
88 examiner or other person, who acts in accordance
89 with sections 19a-279a to 19a-279l, inclusive, AS
90 AMENDED BY THIS ACT, or with the applicable
91 anatomical gift law of another state or attempts
92 in good faith to do so shall not be liable for
93 that act in a civil action or criminal proceeding.
94 FOLLOWING THE WRITTEN REQUEST OF A DONOR SHALL BE
95 PRIMA FACIE EVIDENCE OF A GOOD FAITH ATTEMPT TO
96 CONFORM TO THE DONOR'S INTENT NOTWITHSTANDING
97 SUBSEQUENT EXPRESSIONS OF INTENT BY A RELATIVE OR
98 OTHER PARTY.

99 (d) A person who makes an anatomical gift
100 pursuant to section 19a-279b, AS AMENDED BY THIS
101 ACT, or 19a-279c and the person's estate shall not
102 be liable for any injury or damage that may result
103 from the making or the use of the anatomical gift.

104 Sec. 3. Section 14-42 of the general statutes
105 is repealed and the following is substituted in
106 lieu thereof:

107 (a) An application for an operator's license
108 shall be made on blanks furnished by the
109 commissioner. The application blanks shall be in
110 such form and contain such provisions and
111 information as the commissioner may determine.

112 (b) The application [blank] for an operator's
113 license shall [contain a line on which the
114 applicant may state that he has made provision for
115 the donation of a body organ] INCLUDE THE
116 OPPORTUNITY TO COMPLETE AN ORGAN DONOR CARD
117 pursuant to sections 19a-271 to 19a-280,
118 inclusive, AS AMENDED BY THIS ACT. An operator's
119 license issued to a person who has [stated that he
120 has made provision for such a donation shall

121 indicate such provision in a conspicuous manner
122 determined by the commissioner in order to enable
123 immediate identification of organ donors]
124 COMPLETED A DONOR CARD SHALL HAVE A COPY OF THE
125 CARD IMPRINTED ON THE REVERSE SIDE OF THE LICENSE.

126 PH COMMITTEE VOTE: YEA 23 NAY 0 JF

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SB 545

STATE IMPACT Costs (Transporation Fund), see below

MUNICIPAL IMPACT None

STATE AGENCY(S) Department of Motor Vehicles

	Current FY	1998-99	1999-2000
State Cost	:	:	:
(savings)	:	400,000	:
St Revenue	:	:	:
(loss)	:	:	:
Net St Cost	:	:	:
(savings)	:	:	:
Municipal Impact	:	:	:

EXPLANATION OF ESTIMATES:

The Department of Motor Vehicles (DMV) has indicated that it will cost \$400,000 to implement the organ donor program. The DMV's digitized driver licensing program is outsourced to NBS Imaging Systems, Inc. According to the Department, \$300,000 will be required to pay the contractor to upgrade printers which will be able to print on both sides of the cards, and \$100,000 to reprogram their (the contractor's) system.

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OLR BILL ANALYSIS

SB 545

AN ACT CONCERNING ANATOMICAL DONATIONS

SUMMARY: This bill eliminates (1) communications between terminal patients and doctors and (2) witnessed oral statements by donors as methods of revoking or amending anatomical gifts. It specifies that following a donor's written request is sufficient proof, if not rebutted, of a honest attempt to follow the donor's wishes despite subsequent conflicting expressions of those wishes by relatives or others.

The bill requires driver's license applications to include an opportunity to complete an organ donor card rather than to state the applicant is a donor. It also requires the Department of Motor Vehicles to print completed donor cards on the license's back, rather than conspicuously indicating the holder is an organ donor.

EFFECTIVE DATE: October 1, 1998

COMMITTEE ACTION

Public Health Committee

Joint Favorable Report
Yea 23 Nay 0