

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Walters**

A Bill

SENATE BILL 95

For An Act To Be Entitled

8 "AN ACT TO PROVIDE THAT WHEN A PERSON APPLIES FOR A
9 DRIVER'S LICENSE THAT THE APPLICATION CONTAIN THE QUESTION
10 WHETHER THE DONATION OF BODY ORGANS IS DESIRED AND THAT
11 THE PERSON'S RESPONSE BE INDICATED ON THE DRIVER'S
12 LICENSE; AND FOR OTHER PURPOSES."

Subtitle

14 "WHEN A PERSON APPLIES FOR DRIVER'S LICENSE, THE
15 APPLICATION WILL CONTAIN THE QUESTION WHETHER THE DONATION
16 OF BODY ORGANS IS DESIRED AND THE ANSWER WILL BE INDICATED
17 ON THE DRIVER'S LICENSE."

19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. Beginning as soon as practical, but no later than February
23 1, 1994, the Department of Finance and Administration shall redesign all
24 driver's license forms to contain a statement of intent by the licensee
25 regarding the licensee's consent for organ and tissue donation. At the time
26 the person applies for the issuance or renewal of a driver's license, a
27 question as to whether he or she wishes to donate his or her body organs shall
28 be set out in the application and the response shall be noted on the driver's
29 license, clearly indicating the licensee's intent to either donate or not
30 donate his or her body organs. If the applicant decides to donate his or here
31 body organs and it is so noted on the driver's license, all of the legal
32 requirements for consenting to the donation of organs and tissues shall be
33 deemed to have been met. If the applicant does not respond to the question
34 regarding the donation of his or her body organs then the applicant is deemed
35 not to have given consent for the donation of body organs.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SECTION 2. Notwithstanding that a driver has given consent on his or her driver's license that he or she is willing to make an anatomical gift, that person's organs and tissue shall not be donated under this act if a family member or guardian identified in Arkansas Code 20-17-603(a) notifies the person or persons responsible for procuring the organs and tissue that the family member or guardian desires that the organs and tissue not be donated.

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. Arkansas Code 20-17-617(d) is amended to read as follows:
"(d) All organs and tissue procured in Arkansas shall be offered first to Arkansas patients before consideration of out-of-state patients unless in conflict with federally mandated guidelines."

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

/s/ Senator Walters

As Engrossed: 1/26/93 2/3/93 2/9/93 2/15/93 3/2/93

SB 95

1

mih114