

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

ACT 75 OF 1997  
SENATE BILL 35

4  
5 By: Senator Beebe

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 20, CHAPTER 17,  
9 SUBCHAPTER 6 TO PROVIDE FOR A REGISTRY OF ORGAN DONORS; TO  
10 AMEND ARKANSAS CODE 20-17-602 TO CLARIFY THE MANNER IN  
11 WHICH ANATOMICAL GIFTS MAY BE MADE, AMENDED, REVOKED AND  
12 REFUSED; TO AMEND ARKANSAS CODE 20-17-617 RELATING TO  
13 RESPONSIBILITIES OF CORONERS AND MEDICAL EXAMINERS IN  
14 FACILITATING PROCUREMENT OF TRANSPLANTABLE ORGANS AND  
15 TISSUE; AND FOR OTHER PURPOSES."

## Subtitle

17 "AN ACT CONCERNING ANATOMICAL GIFTS."  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22  
23 SECTION 1. Arkansas Code Title 20, Chapter 17, Subchapter 6 is amended  
24 by adding the following new section:

25 "20-17-618. Organ donor registry.

26 (a) The Office of Driver Services of the Department of Finance and  
27 Administration shall assist in establishing a registry of organ donors by  
28 providing information to an organ procurement agency created, organized, and  
29 existing under the laws of the State of Arkansas. The information shall list  
30 persons who have agreed to make an anatomical gift as indicated on their  
31 operators or chauffeurs license. The information shall include the persons  
32 name, address, sex, birth date, drivers license number, and any limitations  
33 on the purposes of the anatomical gift.

34 (b) Access to the registry maintained by the organ procurement agency  
35 shall be provided to all other organ procurement agencies licensed, accredited  
36 and approved under Arkansas law. Organ procurement agencies may release

1 information from the registry to tissue banks that have written agreements  
 2 with the organ procurement agency. However, information obtained from the  
 3 registry shall not be distributed further to any other person or entity.

4 (c) Any person whose name has been placed on the organ donor registry  
 5 may have his or her name deleted by filing the appropriate form with the  
 6 Office of Driver Services of the Department of Finance and Administration."

7

8 SECTION 2. Arkansas Code 20-17-602(h) is amended to read as follows:

9 "(h) An anatomical gift that is not revoked by the donor before death  
 10 is irrevocable and does not require the consent or concurrence of any person  
 11 after the donor's death. However, if a person listed in §20-17-603(a) knows of  
 12 a contrary indication by the donor that the gift be revoked and makes such  
 13 indication known to a representative of the organ procurement agency created,  
 14 organized, and existing under the laws of the State of Arkansas, then the gift  
 15 will only be effective upon the consent of a person listed in §20-17-603(a)."

16

17 SECTION 3. ARKANSAS CODE 20-17-617 is amended to read as follows:

18 "20-17-617. Procurement of transplantable tissue - Coroners -  
 19 Procurement agencies.

20 ~~\_\_\_\_\_ (a) The coroners of the counties of Arkansas shall facilitate~~  
 21 ~~procurement of transplantable tissue in the following ways:~~

22 ~~\_\_\_\_\_ (1) By notifying the appropriate procurement agency of all~~  
 23 ~~potential donors;~~

24 ~~\_\_\_\_\_ (2) By providing necessary medical and next-of-kin consent~~  
 25 ~~information which shall be kept confidential;~~

26 ~~\_\_\_\_\_ (3) By assuring that next-of-kin consent is obtained in~~  
 27 ~~accordance with the priority established in § 20-17-603;~~

28 ~~\_\_\_\_\_ (A) Consent shall be obtained in a sensitive manner and~~  
 29 ~~witnessed or recorded, if obtained by telephone;~~

30 ~~\_\_\_\_\_ (B)(i) A copy of the coroner's consent form shall be kept~~  
 31 ~~with all records;~~

32 ~~\_\_\_\_\_ (ii) The form shall include the name of the decedent,~~  
 33 ~~the person making the request, and the person giving permission, as well as~~  
 34 ~~the date and time, the tissue requested and its purpose, and the agency to~~  
 35 ~~whom it was released;~~

36 ~~\_\_\_\_\_ (4) By sharing necessary statistics so that the potential in that~~

1 ~~jurisdiction may be determined; and~~

2 ~~———— (5) By ensuring that the procurement will not interfere with any~~  
3 ~~investigations.~~

4 ~~———— (b) Any coroner who follows the provisions of this subchapter or~~  
5 ~~attempts in good faith to do so shall not be liable in any civil or criminal~~  
6 ~~action.~~

7 ~~———— (c) Any procurement organization which procures transplantable tissue~~  
8 ~~from a person declared dead outside of a hospital by the coroner shall assist~~  
9 ~~that coroner in the following manner:~~

10 ~~———— (1) Determining suitability of the donation for transplant or~~  
11 ~~research, as applicable;~~

12 ~~———— (2) Assuming responsibility for the direct costs of the~~  
13 ~~procurement; however, under no circumstances shall compensation be paid for~~  
14 ~~the referral itself;~~

15 ~~———— (3) Providing a report of any observations and gathering of~~  
16 ~~information and specimen as directed by the coroner or medical examiner;~~

17 ~~———— (4) Providing twenty-four-hour availability for receiving~~  
18 ~~referrals; and~~

19 ~~———— (5) Providing education and information in all matters related to~~  
20 ~~transplant as desired.~~

21 (a) The coroners and medical examiners of the counties of Arkansas  
22 shall make reasonable efforts to facilitate procurement of transplantable  
23 organs and tissues in coordination with organ recovery agencies.

24 ~~———— (d) (b)~~ All organs and tissue procured in Arkansas shall be offered  
25 first to Arkansas patients before consideration of out-of-state patients  
26 unless that would be in conflict with federally mandated guidelines."

27

28 SECTION 4. All provisions of this act of a general and permanent nature  
29 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
30 Revision Commission shall incorporate the same in the Code.

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

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

APPROVED: 2-04-97