

**HOUSE . . . . . No. 2717**

---

---

The Commonwealth of Massachusetts

—————  
**In the Year Two Thousand 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 SECTION 2. Chapter 20 of the General Laws is hereby amended by inserting after  
3 section 35 the following section:-

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

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

14           The state treasurer shall deposit the fund in accordance with the provisions of section 34  
15 and 34A of chapter 29 in such manner as will secure the highest interest available consistent with  
16 safety of the fund and with the requirement that all amounts on deposit be available for  
17 immediate withdrawal at any time. The fund shall be expended only for the purposes stated  
18 above at the direction of the commissioner of public health and any unexpended balances shall  
19 be redeposited, as herein provided, for future use consistent with this section.

20           SECTION 3. Chapter 17 of the General Laws is hereby amended by striking out section  
21 15 and inserting in place thereof the following section:-

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

33           The governor shall annually designate the chairman of the council from among its  
34 members. The council shall meet at least 4 times each year, and shall convene special meetings  
35 at the call of the chairman, a majority of the members of the council, the commissioner of public

36 health, or the director of the division of organ transplants. The director of the division of organ  
37 transplants shall serve as 6th executive secretary of the council and shall attend all meetings.  
38 The council shall make an annual report to the governor, which shall include an account of all  
39 actions taken to further organ donation, and shall file a copy of said report with the state  
40 secretary, the clerk of the senate and the clerk of the house of representatives. Members of the  
41 council shall serve without compensation but shall be reimbursed for their expenses actually and  
42 necessarily incurred in the discharge of their duties.

43 Said advisory council shall (s) assist the commissioner of public health and the director of  
44 the division of organ transplants in coordinating the efforts of all public and private agencies  
45 within the commonwealth concerned with the donation and transplantation of human organs, (b)  
46 advise the said commissioner and said director on policy and priorities of need in the  
47 commonwealth for a comprehensive program relative to organ donations and transplants, (c)  
48 review the annual plans, the proposed annual budget and the programs and services of the  
49 division and make recommendations to the commissioner, including approval, modification, or  
50 disapproval in regard thereto; (d) assist the direction of the division or organ transplants in  
51 developing strategies to increase organ donation any means which the council and director may  
52 find effective, the funding for which shall come from the Organ Donor Registration Fund; (e)  
53 assist the director in developing and updating an informational booklet about organ donation  
54 which shall be given to an organ donor upon registration; provided that the council shall seek the  
55 assistance of the federally-designated organ procurement organization of Massachusetts in  
56 developing said booklet; (f) assist the director in establishing a website relative to organ  
57 donation, which shall include, but not limited to, the information contained in the informational  
58 booklet, any other information which the council and director consider beneficial in increasing

59 public knowledge about the need for organ donation, and a means by which the public may  
60 donate to the Organ Donor Registration Fund; (g) facilitate and assist in establishment of  
61 program by which employers match the donations of their employees to the Organ Donor  
62 Registration Fund; and (h) establish numerical goals for increasing organ donation rates in the  
63 commonwealth, which shall include a baseline account of current organ donation rate, as well as  
64 periodic benchmarks for success.

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

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

79           SECTION 5. Section 8 of chapter 90 of the General laws, as appearing in the 2006  
80 Official Edition, is hereby amended by inserting after the word “thereof” in line 27 the following  
81 words:- including any online renewal.

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

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

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

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

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