

HOUSE No. 4860

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act ESTABLISHING AN ORGAN AND TISSUE DONOR 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 The Committee on Ways and Means recommends that the bill be amended by striking out
2 all after the enacting clause and inserting in place thereof the following:

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4 SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after
5 section 35E the following section:-

6 Section 35E½. There shall be established and set up on the books of the commonwealth a
7 separate fund to be known as the Organ and Tissue Donor Registration Fund, to facilitate the
8 registration of residents as organ and tissue donors. The fund shall consist of revenues collected
9 by the commonwealth: (1) pursuant to section 15 of chapter 17 and section 8D of chapter 90; and
10 (2) from public and private sources as gifts, grants and donations to further facilitate this
11 registration.

12 All revenues credited under this section shall remain in the Organ and Tissue Donor
13 Registration Fund, not subject to appropriation, to facilitate the registration of organ and tissue

14 donors and to support any reasonable and necessary administrative costs incurred by the
15 department of public health, not to exceed 3 per cent per annum of the funds held in the trust in a
16 given state fiscal year, in coordinating with the advisory council established in section 15 of
17 chapter 17 to carry out the responsibilities of the council. The state treasurer shall not deposit or
18 otherwise transfer the revenues to the General Fund or any other fund.

19 The state treasurer shall deposit the moneys in the fund in accordance with section 34 of
20 chapter 29 in a manner that will secure the highest interest available consistent with the safety of
21 the fund and with the requirement that all amounts on deposit shall be available for immediate
22 withdrawal at all times. The fund shall be expended at the direction of the commissioner of
23 public health only for the purposes stated in this section and any unexpended balances in the
24 fund at the end of the fiscal year shall not revert and shall be available for expenditures in the
25 subsequent fiscal year.

26 SECTION 2. Chapter 17 of the General Laws is hereby amended by striking out section
27 15, as appearing in the 2008 Official Edition, and inserting in place thereof the following
28 section:-

29 Section 15. (a) There shall be an advisory council on organ and tissue transplants and
30 donations which shall consist of the commissioner of public health; the registrar of motor
31 vehicles; the director of organ transplant services; the president of the Massachusetts Medical
32 Society; and at least 5 persons to be appointed by the governor with experience in the field of
33 organ and tissue transplants and donations, 1 of whom shall be a representative of a federally-
34 designated organ procurement organization serving the commonwealth, 1 of whom shall be a
35 physician experienced in organ and tissue transplantation, 1 of whom shall be a physician

36 experienced in pediatric organ and tissue transplantation, 1 of whom may be a donated organ or
37 tissue recipient, 1 of whom may be a pediatric donated organ or tissue recipient and 1 of whom
38 may be an organ or tissue donor or a family member of an organ or tissue donor. Members shall
39 be appointed for terms of 3 years and no member shall be appointed to serve for more than 2
40 consecutive terms. Upon the expiration of the term of an appointed member, a successor shall be
41 appointed in like manner for a term of 3 years.

42 (b) The governor shall annually designate the chairperson of the council from among its
43 members. The council shall meet at least 2 times annually, and shall convene special meetings at
44 the call of the chairperson, a majority of the members of the council, the commissioner of public
45 health or the director of organ transplant services. The director of organ transplant services shall
46 serve as the executive secretary of the council and shall attend all meetings. The council shall
47 make an annual report to the governor, which shall include an account of all actions taken to
48 further adult and pediatric organ and tissue donor registration, and shall file a copy of the report
49 with the state secretary and the clerks of the senate and house of representatives. Members of
50 the council shall serve without compensation.

51 (c) The advisory council shall: (1) assist the commissioner of public health and the
52 director of organ transplant services in coordinating the efforts of all public and private agencies
53 within the commonwealth concerned with the donation and transplantation of human organs and
54 tissue; (2) advise the commissioner of public health and the director of organ transplant services
55 on policy and priorities of need for a comprehensive program relative to organ and tissue
56 donations and transplants; (3) assist the director of organ transplant services in developing
57 strategies to increase adult and pediatric organ and tissue donor registration and awareness with a
58 special focus upon the need for increased pediatric organ and tissue donation; provided,

59 however, that funding to support any such strategies shall be made available from the Organ and
60 Tissue Donor Registration Fund established in section 35E½ of chapter 10; (4) assist the director
61 of organ transplant services in establishing a website that provides general information relative to
62 adult and pediatric organ and tissue donor registration and awareness, which shall include, but
63 not be limited to, information that the council and director consider beneficial in increasing
64 public knowledge about the need for organ and tissue donation, particularly pediatric organ and
65 tissue donation, and a means by which the public may donate to the Organ and Tissue Donor
66 Registration Fund; (5) facilitate and assist in the establishment of a program by which employers
67 can match the donations of their employees to the Organ and Tissue Donor Registration Fund;
68 (6) establish goals for increasing both adult and pediatric organ and tissue donation rates, which
69 shall include a baseline account of current organ and tissue donation rates and periodic
70 benchmarks for success; and (7) assist the director of organ transplant services in establishing
71 regulations which shall set forth standards and guidelines by which the director shall select
72 individuals to receive funds from the Organ Transplant Fund established in section 35E of said
73 chapter 10 and determine the amount each such individual shall receive.

74 SECTION 3. Section 8 of chapter 90 of the General laws, as so appearing, is hereby
75 amended by inserting after the word “thereof”, in line 27, the following words:- , including any
76 online renewal.

77 SECTION 4. Section 8D of said chapter 90, as so appearing, is hereby amended by
78 inserting after the word “license”, in line 2, the following words:- and registration.

79 SECTION 5. Said section 8D of said chapter 90, as so appearing, is hereby further
80 amended by inserting after the third paragraph the following paragraph:-

81 The registrar shall include on an online license renewal form an option for the person
82 submitting the form to donate a sum of not less than \$2 to the Organ and Tissue Donor
83 Registration Fund established in section 35E½ of chapter 10. The registrar shall annually report
84 the total amount designated under this paragraph to the state treasurer who shall credit amounts
85 received for that purpose to the fund.

86 SECTION 6. Said section 8D of said chapter 90, as so appearing, is hereby further
87 amended by adding the following paragraph:-

88 The registrar shall develop a means by which a person licensed by the registrar to operate
89 a motor vehicle or holding an identification card issued under section 8E to register as an organ
90 and tissue donor through the registry’s website. The means shall be in addition to and shall
91 contain the same security provisions as provided for the online renewal of licenses and
92 registrations.

93 SECTION 7. Section 12D of chapter 112 of the General Laws, as so appearing, is
94 hereby amended by adding the following paragraph:-

95 If a patient covered by MassHealth pursuant to chapter 118E is prescribed a narrow
96 therapeutic index immunosuppressant drug for the treatment of an organ or tissue transplant, the
97 pharmacist shall notify the prescribing physician if a substitution to a narrow therapeutic index
98 immunosuppressant drug for the treatment of an organ or tissue transplant is made. For the
99 purposes of this paragraph, “narrow therapeutic index immunosuppressant drug” shall mean an
100 immunosuppressant drug for the treatment of an organ or tissue transplant that has a narrow
101 range in blood concentrations between efficacy and toxicity and requires therapeutic drug
102 concentration or pharmacodynamic monitoring.