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SENATE . . . . . No. 2338

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

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:

SECTION 1. The provisions of this bill may be known as “Laura’s Law”.

SECTION 2. Chapter 10 of the General Laws is hereby amended by inserting after section 35 the following section:- Section 35E ½ There shall be established and set up on the books of the commonwealth a separate fund to be known as the Organ Donor Registration Fund, to facilitate the registration of residents of the commonwealth as organ donors. Said fund shall consist of all revenues by the commonwealth: (1) under the provisions of section 8D of chapter 90 and section 15 of chapter 17; and (2) from public and private sources as gifts, grants, and donations to further such facilitation.

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

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

SECTION 3. Chapter 17 of the General Laws is hereby amended by striking out section 15 and inserting in place thereof the following section:- There shall be an advisory council on organ transplants and donations consisting of the commissioner of public health, the president of the Massachusetts Medical Society, the registrar of motor vehicles, the director of the division of organ transplants, a representative of a federally-designed organ procurement organization serving Massachusetts, and 10 persons experienced in the field of organ donations or transplants to be appointed by the governor, at least 1 of whom shall be a recipient of a donated organ, at least 1 of whom shall be a donor or a family member of a donated organ, and at least one of whom shall be a doctor experienced in organ transplantation. Upon the expiration of the term of any appointive member, a successor shall be appointed in like manner for a term of three years. The term of all appointive members shall be three years and no such member shall be appointed to serve more than 2 consecutive terms.

The governor shall annually designate the chairman of the council from among its members. The council shall meet at least 4 times each year, and shall convene special meetings at the call of the chairman, a majority of the members of the council, the commissioner of public health, or the director of the division of organ transplants. The director of the division of organ transplants shall serve as 6th executive secretary of the council and shall attend all meetings.

The council shall make an annual report to the governor, which shall include an account of all actions taken to further organ donation, and shall fine a copy of said report with the state secretary, the clerk of the senate and the clerk of the house of representatives. Members of the council shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties.

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

program by which employers match the donations of their employees to the Organ Donor Registration Fund; and (h) establish numerical goals for increasing organ donation rates in the commonwealth, which shall include a baseline account of current organ donation rate, as well as periodic benchmarks for success.

SECTION 4. Section 6E of chapter 62 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the 4th paragraph the following paragraph:- Every individual who files a separate return and every husband and wife filing a return jointly may register to become an organ donor on the tax return. The department of revenue shall provide to the federally designated organ procurement organizations serving the commonwealth access to names, dates of birth and other pertinent information of taxpayers who have registered in their state tax returns as organ donors for the sole purpose of identifying those tax filers as donors. On any registration used by the department of revenue for organ donation, there shall be a disclaimer notice that informs the donor that certain information shall be provided to federally designated organ procurement organization upon the donor's death. Neither the commissioner of the department of revenue or any employee of the commonwealth shall be liable in a suit for damage as a result of his acts or omissions or for any action under the provisions of this section.

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

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

SECTION 7. Said section 8D of said chapter 90, as so appearing, is hereby further amended by inserting after the third paragraph the following paragraph:- The registrar shall include on any license renewal form an option for renewing person to donate, in addition to the fees for license renewal, a sum not less than 2 dollars to the Organ Donor Registration Fund.

SECTION 8. Said section 8D of said chapter 90, as so appearing, is hereby amended by adding the following paragraph:- The registrar shall establish a means for a licensed driver in the commonwealth to register as an organ or tissue donor through the registry website. Such means shall be in addition to, and contain the same security provisions as, any online means of license or registration renewal.