

SENATE No. 2515

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

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

8 All revenues credited under this section shall remain in the Organ and Tissue Donor
9 Registration Fund, not subject to appropriation, to facilitate the registration of as organ and tissue
10 donors and to support any reasonable and necessary administrative costs incurred by the
11 department of public health, not to exceed 3 per cent per annum of the funds held in the trust in a
12 given state fiscal year, in coordinating with the advisory council established in section 15 of
13 chapter 17 to carry out the responsibilities of the council. The state treasurer shall not deposit or
14 otherwise transfer the revenues to the General Fund or any other fund.

15 The state treasurer shall deposit the moneys in the fund in accordance with section 34 of
16 chapter 29 in a manner that will secure the highest interest available consistent with the safety of
17 the fund and with the requirement that all amounts on deposit shall be available for immediate
18 withdrawal at all times. The fund shall be expended at the direction of the commissioner of
19 public health only for the purposes stated in this section and any unexpended balances shall be
20 redeposited in the fund for future use consistent with this section.

21 SECTION 2. Chapter 17 of the General Laws is hereby amended by striking out section
22 15, as appearing in the 2008 Official Edition, and inserting in place thereof the following
23 section:-

24 Section 15. (a) There shall be an advisory council on organ and tissue transplants and
25 donations which shall consist of the commissioner of public health, the registrar of motor
26 vehicles, the director of organ transplant services, the president of the Massachusetts Medical
27 Society, and at least 5 persons to be appointed by the governor with experience in the field of
28 organ and tissue transplants and donations, at least 1 of whom shall be a representative of a
29 federally-designated organ procurement organization serving the commonwealth, 1 of whom
30 shall be a physician experienced in organ and tissue transplantation, 1 of whom shall be a
31 physician experienced in pediatric organ and tissue transplantation, 1 of whom may be a donated
32 organ or tissue recipient, 1 of whom may be a pediatric donated organ or tissue recipient and 1 of
33 whom may be an organ or tissue donor or a family member of an organ or tissue donor.
34 Members shall be appointed for terms of 3 years and no member shall be appointed to serve for
35 more than 2 consecutive terms. Upon the expiration of the term of an appointed member, a
36 successor shall be appointed in like manner for a term of 3 years.

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

46 (c) The advisory council shall:

47 (1) assist the commissioner of public health and the director of organ transplant services
48 in coordinating the efforts of all public and private agencies within the commonwealth concerned
49 with the donation and transplantation of human organs and tissue;

50 (2) advise the commissioner of public health and the director of organ transplant services
51 on policy and priorities of need for a comprehensive program relative to organ and tissue
52 donations and transplants;

53 (3) assist the director of organ transplant services in developing strategies to increase
54 adult and pediatric organ and tissue donor registration and awareness with a special focus upon
55 the need for increased pediatric organ and tissue donation; provided, however, that funding to
56 support any such strategies shall be made available from the Organ and Tissue Donor
57 Registration Fund established in section 35E1/2 of chapter 10;

58 (4) assist the director of organ transplant services in establishing a website that provides
59 general information relative to adult and pediatric organ and tissue donor registration and
60 awareness, which shall include, but not be limited to, information which the council and director
61 consider beneficial in increasing public knowledge about the need for organ and tissue donation,
62 particularly pediatric organ and tissue donation, and a means by which the public may donate to
63 the Organ and Tissue Donor Registration Fund;

64 (5) facilitate and assist in the establishment of a program by which employers can match
65 the donations of their employees to the Organ and Tissue Donor Registration Fund;

66 (6) establish goals for increasing both adult and pediatric organ and tissue donation rates,
67 which shall include a baseline account of current organ and tissue donation rates and periodic
68 benchmarks for success; and

69 (7) assist the director of organ transplants in establishing regulations which shall set forth
70 standards and guidelines by which the director shall select individuals receive funds from the
71 Organ Transplant Fund established in section 35E of said chapter 10 and determine the amount
72 each such individual shall receive.

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

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

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

80 The registrar shall include on any license renewal form, including any electronic renewal
81 form, an option for the person submitting the form to donate a sum of not less than 2 dollars to
82 the Organ and Tissue Donor Registration Fund established in section 35E1/2 of chapter 10. The
83 registrar shall annually report the total amount designated under this paragraph to the state
84 treasurer who shall credit amounts received for that purpose to the fund.

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

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

92 SECTION 7. Notwithstanding any general or special law to the contrary, the executive
93 office of health and human services shall conduct a study of the feasibility, necessity, related
94 costs and cost implications of requiring a pharmacist to notify a physician who prescribed a
95 patient presenting to the pharmacist with a prescription for an immunosuppressant drug with a
96 narrow therapeutic index for the treatment of an organ or tissue transplant when any substitution
97 to another immunosuppressant drug with a narrow therapeutic index is made. For the purposes
98 of this paragraph, "immunosuppressant drug with a narrow therapeutic index" shall mean an
99 immunosuppressant drug for the treatment of an organ or tissue transplant that has a narrow

100 range in blood concentrations between efficacy and toxicity and requires therapeutic drug
101 concentration or pharmacodynamic monitoring. The secretary of health and human services
102 shall file a report on the results of the study and its recommendations, together with drafts of
103 legislation necessary to implement those recommendations, with the house and senate chairs of
104 the joint committee on health care financing not later than December 31, 2011.