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SENATE . . . . . No. 897

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act encouraging organ donation.

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 “Jackson’s Bill”.

SECTION 2. Section 8D of Chapter 90 of the General Laws is hereby amended by inserting in the first paragraph, after the words “every notice of license,” the words “or registration”; and further, by adding after the third paragraph the following new paragraph:

“The registrar shall include on any license or registration renewal form an option for the renewing person to donate, in addition to the fees for license or registration renewal, a sum not less than two dollars to the Organ Donor Registration Fund”.

SECTION 3. Section 8 of Chapter 90 of the General Laws is hereby amended by adding at the end of the first paragraph the following words: “, including any online renewal.”

SECTION 4. Section 15 of Chapter 17 of the General Laws is hereby amended by striking it in its entirety and replacing it with the following section:-“Section 15. Advisory Council on Organ Transplants and Donations

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-designated organ procurement organization serving Massachusetts, and ten persons experienced in the field of organ donations or transplants to be appointed by the governor, at least one of whom shall be a recipient of a donated organ, at least one of whom shall be a donor or a family member of a donor of a donated organ, at least one of whom shall be a recipient of a donated organ who at the time of receipt was below the age of eighteen, at least one of whom shall be a donor or a family member of a donor of a donated organ who at the time of donation was below the age of eighteen, and at least one of whom shall be a surgeon 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 two consecutive terms.

The governor shall annually designate the chairman of the council from among its members. The council shall meet at least four 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 the 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 pediatric organ donation, and shall file 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 (a) 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 director of the division of organ transplants in developing strategies to increase organ donation among those below the age of eighteen, also known as pediatric donation, through increasing youth awareness of the need for pediatric donors and through any other 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 pediatric 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 for Massachusetts in developing said booklet; (f) assist the director in establishing a website relative to pediatric donation, which shall include, but not be 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 pediatric donation, and a means by which the public may donate to the Organ Donor Registration Fund; (g) facilitate and assist in the establishment of programs by which employers match the donations of their employees to the Organ Donor Registration Fund; and (h) establish numerical goals for increasing overall organ donation rates and pediatric organ donation rates in

the commonwealth, which shall include a baseline account of current overall and pediatric organ donation rates, as well as periodic benchmarks for success".

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

"Section 35E 1/2. 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 received 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 sections thirty-four and thirty-four A of chapter twenty-nine in such manner as will secure the highest interest rate 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 6. The Secretary of the Commonwealth shall study the feasibility of including a means of registration as an organ donor on voter registration forms. Said study shall evaluate the potential impact on the number of organ donors in the Commonwealth, the cost of implementing such means, and the logistical requirements of transferring organ donor registration data from those who register to vote at a city or town clerk's office to the Registry of Motor Vehicles, either directly to the Registry, directly to the federally-designated organ procurement organization for Massachusetts, or through the Secretary's office. The Secretary shall perform this study in consultation with the Massachusetts Town Clerks' Association, the Massachusetts City Clerks' Association, the Operational Services Division of the Executive Office of Administration and Finance, the Registry of Motor Vehicles, and the federally-designated organ procurement organization for Massachusetts. The Secretary shall report his findings to the clerks of the House and Senate not later than six months after the passage of this act.