

CHAPTER 31—H.F.No. 11

An act relating to state land; allowing the private sale of a certain tract in St. Louis county.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. LAND SALE.

Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, St. Louis county may sell the land described in this section to Fred Schmiede of Route 2, Aurora, Minnesota, by private sale.

The land is the Northerly 160 feet of Easterly 520 feet of NE 1/4 of NW 1/4, Section 30, Township 58, Range 15, St. Louis county.

The county and state shall provide a proper conveyance. The price may not be less than the appraised value of the property excluding the value of the improvements.

The tract is tax forfeited land on which Mr. Schmiede inadvertently constructed part of an improvement. The property is not otherwise improved or used for any purpose.

Sec. 2. EFFECTIVE DATE.

This act is effective the day following final enactment.

Approved April 16, 1987

CHAPTER 32—H.F.No. 23

An act relating to health; requiring hospitals to establish a protocol to obtain organs for transplantation; proposing coding for new law in Minnesota Statutes, chapter 525.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [525.94] ESTABLISHMENT OF PROTOCOL TO OBTAIN ORGANS FOR TRANSPLANTATION.

Subdivision 1. REQUIREMENT TO ESTABLISH ORGAN PROCUREMENT PROTOCOL. A hospital licensed under sections 144.50 to 144.58 must establish written protocols for the identification of potential organ donors for transplantation to:

(1) assure that families of potential organ donors are made aware of the option of organ and tissue donation and their option to decline;

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(2) require that an organ procurement agency be notified of potential organ donors; and

(3) establish medical criteria and practical considerations concerning the suitability and feasibility of organ donation for transplantations.

For purposes of this subdivision, the term "organ" or "tissue" includes but is not limited to a human kidney, liver, heart, lung, pancreas, skin, bone, ligament, tendon, eye, and cornea.

Subd. 2. NOTIFICATION REQUIREMENT. If an individual dies in a hospital or is identified by an appropriate hospital staff member as having a terminal condition and is further identified as a suitable candidate for organ or tissue donation based on medical criteria established in the written protocol, in accordance with the hospital's protocol, the hospital administrator or the administrator's designated representative shall notify any of the following persons listed below in order of priority, of the option of organ or tissue donation and their option to decline:

- (1) the spouse;
- (2) an adult child;
- (3) either parent;
- (4) an adult brother or sister; or
- (5) a guardian of the decedent's person at the time of death.

The hospital administrator or the designated representative shall attempt to locate the person's driver's license, organ donation card, or other documentation of the person's desire to be an organ donor. If documentation of the person's desire to be a donor is located, it constitutes consent if there is no objection from the relative or guardian in clauses (1) to (5) or if no relative or guardian can be located.

If a person listed in clauses (1) to (5) wishes to consent to the gift of all or part of the decedent's body for transplantation, consent may be obtained by either the hospital administrator's representative or the organ procurement agency's representative. Consent or refusal must be obtained only from the available person highest on the list in clauses (1) to (5).

Subd. 3. DOCUMENTATION. Notification under subdivision 1, as well as any identified contradiction to organ donation, must be documented in the patient's medical record, which must include the name of the person notified and the person's relationship to the decedent.

Subd. 4. FINANCIAL LIABILITY. The family of an individual whose organ is donated for transplantation is not financially liable for costs related to the evaluation of donor organ suitability or retrieval of the organ.

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Subd. 5. COMPLIANCE WITH UNIFORM ANATOMICAL GIFT ACT.

A gift made pursuant to the request required under this section must be executed according to the uniform anatomical gift act.

Subd. 6. TRAINING. The commissioner of health shall work with hospital representatives and other interested persons to develop guidelines for training hospital employees who may notify persons of the option to make an anatomical gift and the procedure to be used in executing the gift and for ensuring that each tissue or organ is tested for possible disease before being made available for transplantation.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective October 1, 1987.

Approved April 16, 1987

CHAPTER 33—H.F.No. 202

An act relating to corporations; providing for modification of the personal liability of directors of certain corporations and fraternal benefit societies; authorizing certain advances by fraternal benefit societies; amending Minnesota Statutes 1986, sections 64B.08, by adding subdivisions; 300.45; and 300.64, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1986, section 64B.08, is amended by adding a subdivision to read:

Subd. 4. ADVANCES. If a person is made or threatened to be made a party to a proceeding, the person is entitled, upon written request to the society, to payment or reimbursement by the society of reasonable expenses, including attorneys' fees and disbursements, incurred by the person in advance of the final disposition of the proceeding, (1) upon receipt by the society of a written affirmation by the person of a good faith belief that the criteria for indemnification set forth in subdivision 2 and the bylaws of the society have been satisfied and a written undertaking by the person to repay all amounts so paid or reimbursed by the society, if it is ultimately determined that the criteria for indemnification have not been satisfied; and (2) after a determination that the facts then known to those making the determination would not preclude indemnification under this section. The written undertaking required by clause (1) is an unlimited general obligation of the person making it, but need not be secured and shall be accepted without reference to financial ability to make the repayment.

Sec. 2. Minnesota Statutes 1986, section 64B.08, is amended by adding a subdivision to read:

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