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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1182

02/23/2015 Authored by Anderson, S.; Kahn; Zerwas; Ward; Dill and others
The bill was read for the first time and referred to the Committee on Mining and Outdoor Recreation Policy
03/05/2015 Adoption of Report: Re-referred to the Committee on Environment and Natural Resources Policy and Finance
03/16/2016 By motion, recalled and re-referred to the Committee on Mining and Outdoor Recreation Policy

1.1 A bill for an act
1.2 relating to game and fish; requiring applications for hunting and fishing licenses
1.3 to allow applicant to be organ donor and make cash contributions for public
1.4 education regarding anatomical gifts; requiring a report; amending Minnesota
1.5 Statutes 2014, section 171.075, subdivision 1; proposing coding for new law
1.6 in Minnesota Statutes, chapter 97A.

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

1.8 Section 1. **[97A.408] ANATOMICAL GIFT; DONOR RECORDS; DONATION.**

1.9 (a) Applications for a resident license to hunt or fish that are required under this
1.10 chapter or chapter 97B and that are obtained by an applicant from an office of the
1.11 Department of Natural Resources, from the department's Web site, or from an authorized
1.12 deputy registrar of motor vehicles must contain a provision that allows the applicant to
1.13 indicate a desire to make an anatomical gift according to paragraph (b).

1.14 (b) The application must contain statements sufficient to comply with the
1.15 requirements of the Darlene Luther Revised Uniform Anatomical Gift Act, chapter 525A,
1.16 so that execution of the application or donor document will make the anatomical gift as
1.17 provided in this section for those indicating a desire to make an anatomical gift. The
1.18 application must be accompanied by information describing Minnesota laws regarding
1.19 anatomical gifts, the need for and benefits of anatomical gifts, and the legal implications
1.20 of making an anatomical gift, including the law governing revocation of anatomical gifts.
1.21 The commissioner shall distribute a notice that must accompany all applications for and
1.22 renewals of a license subject to this section. The notice must be prepared in conjunction
1.23 with a Minnesota organ procurement organization and must include:

2.1 (1) a statement that provides a fair and reasonable description of the organ donation
2.2 process, the care of the donor body after death, and the importance of informing family
2.3 members of the donation decision; and

2.4 (2) a telephone number for a Minnesota organ procurement organization that may be
2.5 called for questions regarding anatomical gifts.

2.6 (c) For the purposes of this section, "organ procurement organization" means an
2.7 organ procurement organization that is certified by the federal Centers for Medicare and
2.8 Medicaid Services.

2.9 (d) If a donor is 18 years of age or younger, the application must be signed by both
2.10 the minor donor and one of the minor donor's parents or the minor donor's legal guardian.
2.11 If a minor cannot sign, the application may not be signed for the minor.

2.12 (e) If a donor is 18 years of age or older, the application must be signed by the donor. If
2.13 the donor cannot sign, the application may be signed for the donor, in the donor's presence,
2.14 and in the presence of two witnesses who must sign the application in the donor's presence.

2.15 (f) The commissioner shall identify donors of anatomical gifts by the designation
2.16 "donor" on the front side of the license. Issuance of a license identifying the person as a
2.17 donor completes the donation process and the license constitutes the final donor record.

2.18 (g) The commissioner is not required to keep the physical record of the donor's
2.19 application after issuing the license for the donation to be valid. The commissioner shall
2.20 maintain a computer record of donors.

2.21 (h) An organ procurement organization must be allowed reasonable access to
2.22 information in the records of the Department of Natural Resources to ascertain whether an
2.23 individual at or near death is a donor of an anatomical gift. The commissioner shall consult
2.24 with the Department of Public Safety and a Minnesota organ procurement organization to
2.25 assist the commissioner in developing an efficient and effective mechanism to provide
2.26 reasonable access to the department's records.

2.27 (i) Revocation, suspension, expiration, or cancellation of the license does not
2.28 invalidate the anatomical gift. The designation "donor" constitutes sufficient legal
2.29 authority for the removal of all body organs or parts upon death of the donor for the
2.30 purpose of transplantation. The donor designation may be removed only upon written
2.31 notice to the commissioner. Delivery of the license during the donor's lifetime is not
2.32 necessary to make the gift valid.

2.33 (j) Chapter 525A applies to anatomical gifts made on an application for a license
2.34 subject to this section.

2.35 (k) The department must be reimbursed under section 171.075, subdivision 1, for the
2.36 reasonable costs of administering an anatomical gift and donation program.

3.1 Sec. 2. Minnesota Statutes 2014, section 171.075, subdivision 1, is amended to read:

3.2 Subdivision 1. **Anatomical gift account.** An anatomical gift account is established
3.3 in the special revenue fund. The account ~~consist~~ consists of funds donated under sections
3.4 168.013, subdivision 22, and 171.06, subdivision 2, and any other money donated,
3.5 allotted, transferred, or otherwise provided to the account. Money in the account is
3.6 annually appropriated to the commissioner for:

3.7 (1) grants under subdivision 2, ~~and~~;

3.8 (2) administrative expenses in implementing the donation and grant program; and

3.9 (3) reimbursements to state agencies for administrative costs incurred in

3.10 implementing an anatomical gift and donation program.

3.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.12 Sec. 3. **INTERIM REPORT.**

3.13 By January 1, 2016, the commissioner of natural resources must submit a report
3.14 to the chairs and ranking minority members of the senate and house of representatives
3.15 committees with primary jurisdiction over natural resources policy that describes the
3.16 progress made in implementing this act, including the arrangements made to provide
3.17 access to departmental records and any delays or problems encountered.