

D R A F T

SUMMARY

Prohibits eye bank, tissue bank, procurement organization, hospital or physician from considering any disability of potential recipient of anatomical gift and from requiring individual with disability to demonstrate ability to perform major life activity substantially limited by disability upon receiving anatomical gift.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to anatomical gifts; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS 97.951 to 97.982.

SECTION 2. (1) In procuring and using anatomical gifts under ORS 97.951 to 97.982 for purposes related to transplant and therapy, if a document of gift does not name the recipient of the anatomical gift as described in ORS 97.969 (1), an eye bank, tissue bank, procurement organization, hospital or physician may not:

(a) Consider any disability, as described in ORS 659A.104, of a potential recipient of the anatomical gift, unless a physician, upon examining the potential recipient, determines that the disability is medically relevant; or

(b) Require a potential recipient with a disability, as described in ORS 659A.104, to demonstrate an ability to perform a major life activity substantially limited by the potential recipient's disability upon receiving the anatomical gift.

1 **(2) This section applies to:**

2 **(a) Any referral by a physician;**

3 **(b) Any evaluation of a potential recipient of an anatomical gift;**
4 **and**

5 **(c) The establishment of any list prioritizing the order in which**
6 **potential recipients of anatomical gifts may receive an anatomical gift.**

7 **(3) Judicial review of a claim brought under this section may be**
8 **sought from the Circuit Court for Marion County or from the circuit**
9 **court for the county in which the potential recipient of the anatomical**
10 **gift resides or resided or was denied the anatomical gift. The circuit**
11 **court shall give priority on its docket and expedited review to a claim**
12 **brought under this section.**

13 **SECTION 3.** **Section 2 of this 2017 Act applies to anatomical gifts**
14 **that are the subject of a referral made pursuant to ORS 97.972 on or**
15 **after the effective date of this 2017 Act.**

16 **SECTION 4.** **This 2017 Act being necessary for the immediate pres-**
17 **ervation of the public peace, health and safety, an emergency is de-**
18 **clared to exist, and this 2017 Act takes effect on its passage.**

19