

Requested by SENATE COMMITTEE ON HEALTH CARE (at the request of MedCure)

**PROPOSED AMENDMENTS TO
SENATE BILL 144**

1 On page 1 of the printed bill, line 2, after “bodies;” delete the rest of the
2 line and delete line 3 and insert “creating new provisions; and amending ORS
3 97.953, 97.969, 441.079 and 441.082.”.

4 In line 17, delete “to facilitate” and insert “approved by the Oregon
5 Health Authority that facilitates”.

6 On page 2, line 26, delete the second comma.

7 In line 27, delete “body donation organization”.

8 In line 29, delete “body or”.

9 On page 3, line 7, delete “a person” and insert “an organization”.

10 Delete lines 12 through 45 and delete pages 4 through 7.

11 On page 8, delete line 1 and insert:

12 **“SECTION 2.** ORS 97.969 is amended to read:

13 “97.969. (1) An anatomical gift may be made to the following persons
14 named in the document of gift:

15 “(a) A hospital, accredited medical school, dental school, college, univer-
16 sity, organ procurement organization, **body donation organization** or other
17 appropriate person, for research or education;

18 “(b) Subject to subsection (2) of this section, an individual designated by
19 the person making the anatomical gift if the individual is the recipient of
20 the body part; or

21 “(c) An eye bank or tissue bank.

1 “(2) If an anatomical gift to an individual under subsection (1)(b) of this
2 section cannot be transplanted into the individual, the body part passes in
3 accordance with subsection (7) of this section in the absence of an express,
4 contrary indication by the person making the anatomical gift.

5 “(3) If an anatomical gift of one or more specific body parts or of all body
6 parts is made in a document of gift that does not name a person described
7 in subsection (1) of this section but identifies the purpose for which an an-
8 atomical gift may be used, the following rules apply:

9 “(a) If the body part is an eye and the gift is for the purpose of trans-
10 plantation or therapy, the gift passes to the appropriate eye bank.

11 “(b) If the body part is tissue and the gift is for the purpose of trans-
12 plantation or therapy, the gift passes to the appropriate tissue bank.

13 “(c) If the body part is an organ and the gift is for the purpose of trans-
14 plantation or therapy, the gift passes to the appropriate organ procurement
15 organization as custodian of the organ.

16 “(d) If the body part is an organ, an eye or tissue and the gift is for the
17 purpose of research or education, the gift passes to the appropriate procure-
18 ment organization.

19 “(4) For the purposes of subsection (3) of this section, if there is more
20 than one purpose of an anatomical gift set forth in the document of gift but
21 the purposes are not set forth in any priority, the gift must be used for
22 transplantation or therapy, if suitable. If the gift cannot be used for trans-
23 plantation or therapy, the gift may be used for research or education.

24 “(5) If an anatomical gift of one or more specific body parts is made in
25 a document of gift that does not name a person described in subsection (1)
26 of this section and does not identify the purpose of the gift, the gift may be
27 used only for transplantation or therapy, and the gift passes in accordance
28 with subsection (7) of this section.

29 “(6) If a document of gift specifies only a general intent to make an an-
30 atomical gift by words such as ‘donor,’ ‘organ donor’ or ‘body donor’ or by

1 a symbol or statement of similar import, the gift may be used only for
2 transplantation or therapy, and the gift passes in accordance with subsection
3 (7) of this section.

4 “(7) For purposes of subsections (2), (5) and (6) of this section, the fol-
5 lowing rules apply:

6 “(a) If the body part is an eye, the gift passes to the appropriate eye bank.

7 “(b) If the body part is tissue, the gift passes to the appropriate tissue
8 bank.

9 “(c) If the body part is an organ, the gift passes to the appropriate organ
10 procurement organization as custodian of the organ.

11 “(8) An anatomical gift of an organ for transplantation or therapy, other
12 than an anatomical gift under subsection (1)(b) of this section, passes to the
13 organ procurement organization as custodian of the organ.

14 “(9) If an anatomical gift does not pass pursuant to subsections (1) to (8)
15 of this section or the decedent’s body or body part is not used for trans-
16 plantation, therapy, research or education, custody of the body or body part
17 passes to the person under obligation to dispose of the body or body part.

18 “(10) A person may not accept an anatomical gift if the person knows that
19 the gift was not effectively made under ORS 97.957 or 97.967 or if the person
20 knows that the decedent made a refusal under ORS 97.961 that was not re-
21 voked. For purposes of this subsection, if a person knows that an anatomical
22 gift was made on a document of gift, the person is deemed to know of any
23 amendment or revocation of the gift or any refusal to make an anatomical
24 gift on the same document of gift.

25 “(11) Except as otherwise provided in subsection (1)(b) of this section,
26 ORS 97.951 to 97.982 do not affect the allocation of organs for transplanta-
27 tion or therapy.”.

28 In line 2, delete “7” and insert “3”.

29 In line 5, delete “to facilitate” and insert “approved by the Oregon Health
30 Authority that facilitates”.

1 In line 28, delete “8” and insert “4”.

2 On page 9, after line 3, insert:

3 **“SECTION 5. (1) The amendments to ORS 97.953, 97.969, 441.079 and**
4 **441.082 by sections 1 to 4 of this 2019 Act become operative on July 1,**
5 **2020.**

6 **“(2) The Oregon Health Authority may take any action before the**
7 **operative date specified in subsection (1) of this section to enable the**
8 **authority to exercise, on and after the operative date specified in**
9 **subsection (1) of this section, all of the duties, functions and powers**
10 **conferred on the authority by the amendments to ORS 97.953, 97.969,**
11 **441.079 and 441.082 by sections 1 to 4 of this 2019 Act.”.**

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