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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2064

03/09/2021 Authored by Koegel, Scott, Huot, Pryor, Stephenson and others
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to health care; prohibiting an anatomical gift of an eye or parts of an eye
1.3 from being directly or indirectly distributed by a for-profit entity; amending
1.4 Minnesota Statutes 2020, section 525A.11.

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

1.6 Section 1. Minnesota Statutes 2020, section 525A.11, is amended to read:

1.7 525A.11 PERSONS THAT MAY RECEIVE ANATOMICAL GIFT; PURPOSE
1.8 OF ANATOMICAL GIFT.

1.9 (a) An anatomical gift may be made to the following persons named in the document
1.10 of gift:

1.11 (1) a hospital; accredited medical school, dental school, college, or university; organ
1.12 procurement organization; or nonprofit organization in medical education or research, for
1.13 research or education;

1.14 (2) subject to paragraph (b), an individual designated by the person making the anatomical
1.15 gift if the individual is the recipient of the part; and

1.16 (3) an eye bank or tissue bank.

1.17 (b) If an anatomical gift to an individual under paragraph (a), clause (2), cannot be
1.18 transplanted into the individual, the part passes in accordance with paragraph (g) in the
1.19 absence of an express, contrary indication by the person making the anatomical gift.

1.20 (c) If an anatomical gift of one or more specific parts or of all parts is made in a document
1.21 of gift that does not name a person described in paragraph (a) but identifies the purpose for
1.22 which an anatomical gift may be used, the following rules apply:

2.1 (1) if the part is an eye and the gift is for the purpose of transplantation or therapy, the
2.2 gift passes to the appropriate eye bank;

2.3 (2) if the part is tissue and the gift is for the purpose of transplantation or therapy, the
2.4 gift passes to the appropriate tissue bank;

2.5 (3) if the part is an organ and the gift is for the purpose of transplantation or therapy,
2.6 the gift passes to the appropriate organ procurement organization as custodian of the organ;
2.7 and

2.8 (4) if the part is an organ, an eye, or tissue and the gift is for the purpose of research or
2.9 education, the gift passes to the appropriate procurement organization.

2.10 (d) For the purpose of paragraph (c), if there is more than one purpose of an anatomical
2.11 gift set forth in the document of gift but the purposes are not set forth in any priority, the
2.12 gift must be used for transplantation or therapy, if suitable. If the gift cannot be used for
2.13 transplantation or therapy, the gift may be used for research or education.

2.14 (e) If an anatomical gift of one or more specific parts is made in a document of gift that
2.15 does not name a person described in paragraph (a) and does not identify the purpose of the
2.16 gift, the gift may be used only for transplantation or therapy, and the gift passes in accordance
2.17 with paragraph (g).

2.18 (f) If a document of gift specifies only a general intent to make an anatomical gift by
2.19 words such as "donor," "organ donor," or "body donor," or by a symbol or statement of
2.20 similar import, the gift may be used only for transplantation or therapy, and the gift passes
2.21 in accordance with paragraph (g).

2.22 (g) For purposes of paragraphs (b), (e), and (f), the following rules apply:

2.23 (1) if the part is an eye, the gift passes to the appropriate eye bank;

2.24 (2) if the part is tissue, the gift passes to the appropriate tissue bank; and

2.25 (3) if the part is an organ, the gift passes to the appropriate organ procurement
2.26 organization as custodian of the organ.

2.27 (h) An anatomical gift of an organ for transplantation or therapy, other than an anatomical
2.28 gift under paragraph (a), clause (2), passes to the organ procurement organization as custodian
2.29 of the organ.

2.30 (i) If an anatomical gift does not pass pursuant to paragraphs (a) to (h) or the decedent's
2.31 body or part is not used for transplantation, therapy, research, or education, custody of the
2.32 body or part passes to the person under obligation to dispose of the body or part.

3.1 (j) A person may not accept an anatomical gift if the person knows that the gift was not
3.2 effectively made under section 525A.05 or 525A.10 or if the person knows that the decedent
3.3 made a refusal under section 525A.07 that was not revoked. For purposes of this paragraph,
3.4 if a person knows that an anatomical gift was made on a document of gift, the person is
3.5 deemed to know of any amendment or revocation of the gift or any refusal to make an
3.6 anatomical gift on the same document of gift.

3.7 (k) Except as otherwise provided in paragraph (a), clause (2), nothing in this chapter
3.8 affects the allocation of organs for transplantation or therapy.

3.9 (l) No gift of an eye or a part of an eye shall be directly or indirectly distributed by a
3.10 for-profit entity and no gift shall be sold or distributed for profit.