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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3064

03/13/2014

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The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

1.1

A bill for an act

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relating to natural resources; requiring applications for hunting and fishing

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licenses to allow an applicant to be an organ donor; allowing cash contributions

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to fund public education regarding anatomical gifts to be made when applying

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for hunting and fishing licenses; amending Minnesota Statutes 2012, sections

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97A.475, by adding a subdivision; 171.075, subdivision 1.

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

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Section 1. Minnesota Statutes 2012, section 97A.475, is amended by adding a

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subdivision to read:

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Subd. 8a. **Anatomical gift; donor records; donation.** (a) A license issued under

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subdivision 2, 6, or 8 or under section 97A.473 must contain a provision that allows the

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applicant to indicate a desire to make an anatomical gift according to paragraph (b).

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(b) The application must contain statements sufficient to comply with the

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requirements of the Darlene Luther Revised Uniform Anatomical Gift Act, chapter

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525A, so that execution of the application or donor document will make the anatomical

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gift as provided in section 171.07, subdivision 5, for those indicating a desire to make

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an anatomical gift. The application must be accompanied by information describing

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Minnesota laws regarding anatomical gifts, the need for and benefits of anatomical gifts,

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and the legal implications of making an anatomical gift, including the law governing

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revocation of anatomical gifts. The commissioner shall distribute a notice that must

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accompany all applications for and renewals of a license subject to this subdivision. The

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notice must be prepared in conjunction with a Minnesota organ procurement organization

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and must include:

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

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

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

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

(e) The commissioner is not required to keep the physical record of the donor card or application after issuing the license for the donation to be valid. The commissioner shall maintain a computer record of donors.

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

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

(h) An application for a license subject to this subdivision must contain a provision that allows the applicant to add to the applicable fee a \$2 donation for public information and education on anatomical gifts under section 171.075.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to applications for licenses submitted after September 1, 2016.

Sec. 2. Minnesota Statutes 2012, section 171.075, subdivision 1, is amended to read:

Subdivision 1. **Anatomical gift account.** An anatomical gift account is established in the special revenue fund. The account consist of funds donated under sections 97A.475, subdivision 8a, 168.013, subdivision 22, and 171.06, subdivision 2, and any other money

3.1 donated, allotted, transferred, or otherwise provided to the account. Money in the account  
3.2 is annually appropriated to the commissioner for (1) grants under subdivision 2, and (2)  
3.3 administrative expenses in implementing the donation and grant program.

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

3.5 Sec. 3. **INTERIM REPORT.**

3.6 By January 1, 2015, the commissioner of natural resources must submit a report  
3.7 to the chairs and ranking minority members of the senate and house of representatives  
3.8 committees with primary jurisdiction over natural resources policy that describes the  
3.9 progress made in implementing this act, including the arrangements made to provide  
3.10 access to departmental records and any delays or problems encountered.