A bill for an act

relating to anatomical gifts; adding to the types of documents upon which a donor may make an anatomical gift; amending Minnesota Statutes 2010, section 525A.05; proposing coding for new law in Minnesota Statutes, chapter 525A.

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

Section 1. Minnesota Statutes 2010, section 525A.05, is amended to read:

525A.05 MANNER OF MAKING ANATOMICAL GIFT BEFORE DONOR'S DEATH.

(a) A donor may make an anatomical gift:

(1) by authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver's license ~~or~~, identification card, or other document, as specified in section 525A.055;

(2) in a will;

(3) during a terminal illness or injury of the donor, by any form of communication addressed to at least two adults, at least one of whom is a disinterested witness; or

(4) as provided in paragraph (b).

(b) A donor or other person authorized to make an anatomical gift under section 525A.04 may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or other person and must:

(1) be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other person; and

(2) state that it has been signed and witnessed as provided in clause (1).

(c) Revocation, suspension, expiration, or cancellation of a driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.

(d) An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

(e) The making of an anatomical gift does not authorize or direct a denial of health care.

Sec. 2. **[525A.055] DONOR DOCUMENTS.**

Subdivision 1. **Application for donor documents.** Applications for the permits or licenses specified in subdivision 2 must include a method for the applicant to indicate a desire to make an anatomical gift. The application must contain statements sufficient to comply with the requirements of this chapter, so that execution of the application or donor document will make the anatomical gift for those indicating a desire to make an anatomical gift. The application must be accompanied by information describing Minnesota laws regarding anatomical gifts and the need for and benefits of anatomical gifts, and the legal implications of making an anatomical gift, including the law governing revocation of anatomical gifts. The commissioner issuing the permit or license shall distribute a notice that must accompany all applications for and renewals of permits or licenses administered by the commissioner. The notice must be prepared in conjunction with a Minnesota organ procurement organization that is certified by the federal Department of Health and Human Services 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 in a certified Minnesota organ procurement organization that may be called with respect to questions regarding anatomical gifts.

Subd. 2. **Donor documents.** Documents upon which a donor may make an anatomical gift as permitted under section 525A.05 include the following:

(1) the donor's driver's license or identification card;

(2) the donor's watercraft operator's permit under chapter 86B;

(3) the donor's hunting license under chapter 97B;

(4) the donor's permit to carry a weapon under section 624.714; or

(5) the donor's transferee permit under section 624.7131.