

**SENATE . . . . . No. 897**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Bruce E. Tarr**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:  
**An Act encouraging organ donation**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	First Essex and Middlesex
Ann-Margaret Ferrante	5th Essex
Katherine Clark	32nd Middlesex
Richard R. Tisei	Middlesex and Essex
Michael R. Knapik	Second Hampden and Hampshire
Robert L. Hedlund	Plymouth and Norfolk
Scott P. Brown	Norfolk, Bristol and Middlesex
Jacqueline M. Hardy	29 Cherry Street Gloucester, MA 01930
Fran Aliberte	10 Cedar Lane Gloucester, MA 01930
Rebecca Aliberte	10 Cedar Street Gloucester, MA 01930
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Susan C. Fargo	Third Middlesex
Karen E. Spilka	Second Middlesex and Norfolk
Steven A. Tolman	Second Suffolk and Middlesex
Robert A. O'Leary	Cape and Islands
Susan C. Tucker	Second Essex and Middlesex
Mary E. Grant	6th Essex
James E. Vallee	10th Norfolk
Cory Atkins	14th Middlesex
Richard T. Moore	Worcester and Norfolk
Kay Khan	11th Middlesex
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
John A. Hart, Jr.	First Suffolk
Bradley H. Jones, Jr.	20th Middlesex

Peter v. Kocot	1st Hampshire
Theodore C. Speliotis	13th Essex
Christine E. Canavan	10th Plymouth
Brian A. Joyce	Norfolk, Bristol and Plymouth

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT ENCOURAGING ORGAN DONATION.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. The provisions of this bill may be known as “Jackson’s Bill”.

2 SECTION 2. Section 8D of Chapter 90 of the General Laws is hereby amended by  
3 inserting in the first paragraph, after the words “every notice of license,” the words “or  
4 registration”; and further, by adding after the third paragraph the following new paragraph:

5 “The registrar shall include on any license or registration renewal form an option for the  
6 renewing person to donate, in addition to the fees for license or registration renewal, a sum not  
7 less than two dollars to the Organ Donor Registration Fund”.

8 SECTION 3. Section 8 of Chapter 90 of the General Laws is hereby amended by adding  
9 at the end of the first paragraph the following words: “, including any online renewal.”

10 SECTION 4. Section 15 of Chapter 17 of the General Laws is hereby amended by  
11 striking it in its entirety and replacing it with the following section:-“Section 15. Advisory  
12 Council on Organ Transplants and Donations

13 There shall be an advisory council on organ transplants and donations consisting of the  
14 commissioner of public health, the president of the Massachusetts Medical Society, the Registrar  
15 of Motor Vehicles, the director of the division of organ transplants, a representative of a  
16 federally-designated organ procurement organization serving Massachusetts, and ten persons

17 experienced in the field of organ donations or transplants to be appointed by the governor, at  
18 least one of whom shall be a recipient of a donated organ, at least one of whom shall be a donor  
19 or a family member of a donor of a donated organ, at least one of whom shall be a recipient of a  
20 donated organ who at the time of receipt was below the age of eighteen, at least one of whom  
21 shall be a donor or a family member of a donor of a donated organ who at the time of donation  
22 was below the age of eighteen, and at least one of whom shall be a surgeon experienced in organ  
23 transplantation. Upon the expiration of the term of any appointive member, a successor shall be  
24 appointed in like manner for a term of three years. The term of all appointive members shall be  
25 three years and no such member shall be appointed to serve more than two consecutive terms.

26 The governor shall annually designate the chairman of the council from among its members. The  
27 council shall meet at least four times each year, and shall convene special meetings at the call of  
28 the chairman, a majority of the members of the council, the commissioner of public health, or the  
29 director of the division of organ transplants. The director of the division of organ transplants  
30 shall serve as the executive secretary of the council and shall attend all meetings. The council  
31 shall make an annual report to the governor, which shall include an account of all actions taken  
32 to further pediatric organ donation, and shall file a copy of said report with the state secretary,  
33 the clerk of the senate and the clerk of the house of representatives. Members of the council shall  
34 serve without compensation but shall be reimbursed for their expenses actually and necessarily  
35 incurred in the discharge of their duties.

36 Said advisory council shall (a) assist the commissioner of public health and the director of the  
37 division of organ transplants in coordinating the efforts of all public and private agencies within  
38 the commonwealth concerned with the donation and transplantation of human organs, (b) advise

39 the said commissioner and said director on policy and priorities of need in the commonwealth for  
40 a comprehensive program relative to organ donations and transplants, (c) review the annual  
41 plans, the proposed annual budget and the programs and services of the division and make  
42 recommendations to the commissioner, including approval, modification, or disapproval in  
43 regard thereto; (d) assist the director of the division of organ transplants in developing strategies  
44 to increase organ donation among those below the age of eighteen, also known as pediatric  
45 donation, through increasing youth awareness of the need for pediatric donors and through any  
46 other means which the council and director may find effective, the funding for which shall come  
47 from the Organ Donor Registration Fund; (e) assist the director in developing and updating an  
48 informational booklet about pediatric donation which shall be given to an organ donor upon  
49 registration; provided, that the council shall seek the assistance of the federally-designated organ  
50 procurement organization for Massachusetts in developing said booklet; (f) assist the director in  
51 establishing a website relative to pediatric donation, which shall include, but not be limited to,  
52 the information contained in the informational booklet, any other information which the council  
53 and director consider beneficial in increasing public knowledge about the need for pediatric  
54 donation, and a means by which the public may donate to the Organ Donor Registration Fund;  
55 (g) facilitate and assist in the establishment of programs by which employers match the  
56 donations of their employees to the Organ Donor Registration Fund; and (h) establish numerical  
57 goals for increasing overall organ donation rates and pediatric organ donation rates in the  
58 commonwealth, which shall include a baseline account of current overall and pediatric organ  
59 donation rates, as well as periodic benchmarks for success”.

60 SECTION 5. Chapter 10 of the General Laws is hereby amended by inserting  
61 immediately after Section 35E the following new section:-

62 “Section 35E 1/2. There shall be established and set up on the books of the commonwealth a  
63 separate fund to be known as the Organ Donor Registration Fund, to facilitate the registration of  
64 residents of the commonwealth as organ donors. Said fund shall consist of all revenues received  
65 by the commonwealth: (1) under the provisions of Section 8D of Chapter 90 and Section 15 of  
66 Chapter 17; and (2) from public and private sources as gifts, grants, and donations to further such  
67 facilitation.

68 All revenues credited under this section shall remain in said Organ Donor Registration Fund, not  
69 subject to appropriation, to facilitate the registration of residents of the commonwealth as organ  
70 donors. The state treasurer shall not deposit said revenues in or transfer said revenues to the  
71 General Fund or any other fund other than the Organ Donor Registration Fund.

72 The state treasurer shall deposit the fund in accordance with the provisions of sections thirty-four  
73 and thirty-four A of chapter twenty-nine in such manner as will secure the highest interest rate  
74 available consistent with safety of the fund and with the requirement that all amounts on deposit  
75 be available for immediate withdrawal at any time. The fund shall be expended only for the  
76 purposes stated above at the direction of the commissioner of public health and any unexpended  
77 balances shall be redeposited, as herein provided, for future use consistent with this section.

78 SECTION 6. The Secretary of the Commonwealth shall study the feasibility of including  
79 a means of registration as an organ donor on voter registration forms. Said study shall evaluate  
80 the potential impact on the number of organ donors in the Commonwealth, the cost of  
81 implementing such means, and the logistical requirements of transferring organ donor  
82 registration data from those who register to vote at a city or town clerk’s office to the Registry of  
83 Motor Vehicles, either directly to the Registry, directly to the federally-designated organ

84 procurement organization for Massachusetts, or through the Secretary's office. The Secretary  
85 shall perform this study in consultation with the Massachusetts Town Clerks' Association, the  
86 Massachusetts City Clerks' Association, the Operational Services Division of the Executive  
87 Office of Administration and Finance, the Registry of Motor Vehicles, and the federally-  
88 designated organ procurement organization for Massachusetts. The Secretary shall report his  
89 findings to the clerks of the House and Senate not later than six months after the passage of this  
90 act.