

SENATE BILL 40

R4

3lr0378

(PRE-FILED)

By: **Senator Young**

Requested: August 14, 2012

Introduced and read first time: January 9, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration – Organ Donation – Presumed Consent**
3 **(Patricia Hanberry Gift of Life Act)**

4 FOR the purpose of requiring the Motor Vehicle Administration to notify an applicant
5 for a driver's license or identification card that the applicant shall be deemed to
6 have consented to be an organ donor unless the applicant expressly chooses not
7 to consent; requiring the Administration to provide for a method by which the
8 applicant can designate that the applicant does not consent to being an organ
9 donor; requiring the Administration to indicate whether an individual is an
10 organ donor on the individual's driver's license or identification card; clarifying
11 language; and generally relating to a presumption of consent to organ donation
12 by an applicant for a driver's license or identification card.

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 12-303
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2012 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Transportation**

21 12-303.

22 (a) **(1) THE ADMINISTRATION SHALL NOTIFY AN APPLICANT**
23 **APPLYING FOR OR RENEWING A DRIVER'S LICENSE OR IDENTIFICATION CARD**
24 **THAT THE APPLICANT SHALL BE DEEMED TO HAVE CONSENTED TO THE GIFT OF**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **ALL BODY ORGANS OR PARTS FOR THE PURPOSES SPECIFIED IN PARAGRAPH (2)**
2 **OF THIS SUBSECTION UNLESS THE APPLICANT EXPRESSLY CHOOSES NOT TO**
3 **CONSENT.**

4 (2) The Administration shall provide for a method by which an
5 applicant for a driver's license or identification card can designate that the applicant
6 [consents] **DOES NOT CONSENT** to the gift of all body organs or parts for the purposes
7 of transplantation, therapy, or medical research and education.

8 (b) [If an applicant designates that he is such a donor, the] **THE**
9 Administration [may] **SHALL** make a notation [of this fact] on the driver's license or
10 identification card issued to the applicant **INDICATING WHETHER THE APPLICANT**
11 **IS A DONOR.**

12 (c) The donor designation noted on the driver's license or identification card:

13 (1) Is sufficient legal authority for the removal of a body organ or part
14 on the death of the donor; and

15 (2) May be removed only on written notice to the Administration by
16 the donor.

17 (d) Notwithstanding any other provision of law, the donor designation noted
18 on the driver's license or identification card is valid and effective for all purposes
19 under Title 4, Subtitle 5 of the Estates and Trusts Article, including the immunity
20 from civil or criminal liability set forth in § 4-514 of the Estates and Trusts Article.

21 (e) At the time the donor authorizes the donor designation to appear on his
22 driver's license or identification card, the Administration shall notify the donor that
23 the designation can be removed only on written notice to the Administration.

24 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
25 **October 1, 2013.**