

- 1 (5) How to ensure informed, witnessed consent by registered donors and
2 whether listing in the registry should be considered informed,
3 witnessed consent.
- 4 (6) Process for informing the general public about organ, eye, and tissue
5 donation, how to become registered and unregistered, and the legal
6 effect of donor cards, drivers license donor symbols, and informed
7 consent.
- 8 (7) How to evaluate the effectiveness of educational initiatives and the
9 registry itself in improving identification of potential donors and
10 procuring donations for transplantation.
- 11 (8) The experience of other states that have established organ and tissue
12 donor registries.
- 13 (9) The cost to the State of establishing and maintaining the registry.

14 The Department shall report its findings and recommendations to the Joint Legislative
15 Health Care Oversight Committee on or before May 1, 2002.

16 **SECTION 2.** G.S. 130A-404 reads as rewritten:

17 "**§ 130A-404. Persons who may make an anatomical gift.**

18 (a) An individual of sound mind and 18 years of age or more may give all or any
19 part of that individual's body for any purpose specified in G.S. 130A-405. A gift made
20 in accordance with G.S. 130A-406 shall be sufficient legal authority for procurement
21 without additional authority from the donor or the donor's family or estate. The gift shall
22 take effect upon death. A gift made by the donor in accordance with G.S. 130A-406
23 may not be revoked upon the donor's death, and neither the donor's family nor the
24 donor's health care agent appointed pursuant to Article 3 of Chapter 32A of the General
25 Statutes may refuse to honor the gift or thwart the procurement of the donation.

26 (b) ~~Any~~ If the decedent has not made a gift in the manner prescribed in G.S.
27 130A-406, then any of the following persons, in order of priority stated, when persons
28 in prior classes are not available at the time of death, and in the absence of actual notice
29 of contrary indications by the decedent or actual notice of opposition by a member of
30 the same or a prior class, may give all or any part of the decedent's body for any purpose
31 specified in G.S. 130A-405.

- 32 (1) The spouse;
- 33 (2) An adult child;
- 34 (3) Either parent;
- 35 (4) An adult sibling;
- 36 (5) A guardian of the person of the decedent at the time of decedent's
37 death;
- 38 (5a) An individual who has an established relationship with the decedent,
39 who is acting in good faith on behalf of the decedent, and who can
40 reliably convey the decedent's wishes; or
- 41 (6) Any other person authorized or under obligation to dispose of the
42 body.

1 (c) The persons authorized by subsection (b) may make the gift after or
2 immediately before death. However, the guardian of the person of a ward may make the
3 gift at any time during the guardianship and the gift shall become effective upon the
4 death of the ward unless the guardianship terminated before death.

5 (d) If the donee has actual notice of contrary indications by the decedent or that a
6 gift by a member of a class is opposed by a member of the same or a prior class, the
7 donee shall not accept the gift.

8 (e) A gift of all or part of a body authorizes any examination necessary to assure
9 medical acceptability of the gift for the purposes intended.

10 (f) The rights of the donee created by the gift are paramount to the rights of
11 others except as provided by G.S. 130A-409(d)."

12 **SECTION 3.** Article 2 of Chapter 20 of the General Statutes is amended by
13 adding the following section to read:

14 "**§ 20-7.3. Availability of organ, eye, and tissue donor cards at motor vehicle**
15 **offices.**

16 The Department shall make organ, eye, and tissue donor cards available to interested
17 individuals in each office authorized to issue drivers licenses or special identification
18 cards. The Department shall obtain donor cards from qualified organ, eye, or tissue
19 procurement organizations or tissue banks, as defined in G.S. 130A-403. The
20 Department shall offer a donor card to each applicant for a drivers license."

21 **SECTION 4.** The Department of Transportation and the Department of
22 Health and Human Services may use funds appropriated to it for the 2001-2003 fiscal
23 biennium to implement this act.

24 **SECTION 5.** Sections 2 and 3 of this act become effective January 1, 2002.
25 The remainder of this act is effective when it becomes law.