

## LEGISLATIVE BILL 1082

Approved by the Governor April 18, 2022

Introduced by Gragert, 40.

A BILL FOR AN ACT relating to organ and tissue donation; to amend section 71-4822, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Supplement, 2021; to provide powers and duties to the Game and Parks Commission; to require the Game and Parks Commission to provide certain information relating to organ and tissue donation on applications for certain hunting and fishing permits; to require the Game and Parks Commission to transfer certain hunting and fishing permit information relating to organ and tissue donation; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 37-201, Revised Statutes Supplement, 2021, is amended to read:

37-201 Sections 37-201 to 37-811 and 37-1501 to 37-1510 and section 2 of this act and the State Park System Construction Alternatives Act shall be known and may be cited as the Game Law.

Sec. 2. (1) Beginning January 1, 2023, when a Nebraska resident at least sixteen years of age applies for an annual hunting permit or annual fishing permit, the commission shall distribute a brochure provided by an organ and tissue procurement organization approved by the Department of Health and Human Services containing a description and explanation of the Revised Uniform Anatomical Gift Act to each person applying for a permit who has not previously provided a response under subsection (2) of this section. If the application for a permit is made through the Internet, a link to an electronic copy of the brochure shall be provided.

(2) The application for an annual hunting permit or annual fishing permit shall contain the following question: Do you wish to include your name in the Donor Registry of Nebraska and donate your organs and tissues at the time of your death? The commission shall record such response in an electronic database if the permit applicant is at least sixteen years of age and indicates on the application whether he or she wishes to be an organ and tissue donor. Submitting an application indicating that the permit applicant wishes to be a donor shall constitute an authorization under subsection (b) of section 71-4828.

(3) A person may change his or her status as a donor by (a) Internet access to the Donor Registry of Nebraska, (b) telephone request to the registry, or (c) other methods approved by the federally designated organ procurement organization for Nebraska. The commission shall provide information on its website on how a person may change such person's donor status.

(4) The commission shall electronically transfer to the federally designated organ procurement organization for Nebraska the first and last name, date of birth, gender, address, city, state, zip code, email address if provided, date of registration, and the unique user identification number of each person who agreed to make an anatomical gift under subsection (2) of this section.

(5) An anatomical gift made through the process described in subsection (2) of this section shall be considered made at the time the application is submitted regardless of when the information described in subsection (4) of this section is transferred.

(6) No person shall obtain information about an applicant's response as described in subsection (2) of this section except to facilitate the donation process. General statistical information may be provided upon request to the federally designated organ procurement organization for Nebraska.

(7) The commission may adopt and promulgate rules and regulations necessary to carry out the provisions of this section.

Sec. 3. Section 71-4822, Reissue Revised Statutes of Nebraska, is amended to read:

71-4822 (1) The federally designated organ procurement organization for Nebraska shall use the information received from the Department of Motor Vehicles under section 60-494 and the Game and Parks Commission under section 2 of this act to establish and maintain the Donor Registry of Nebraska. A procurement organization located outside of Nebraska may obtain information from the Donor Registry of Nebraska when a Nebraska resident is listed as a donor on the registry and is not located in Nebraska immediately preceding or at the time of his or her death. The federally designated organ procurement organization for Nebraska may receive donor information from sources other than the Department of Motor Vehicles and shall pay all costs associated with creating and maintaining the Donor Registry of Nebraska.

(2) It is the intent of the Legislature that the Donor Registry of Nebraska facilitate organ and tissue donations and not inhibit such donations. A person does not need to be listed on the Donor Registry of Nebraska to be an organ and tissue donor.

(3) No person shall obtain information from the Donor Registry of Nebraska

for the purpose of fundraising or other commercial use. Information obtained from the Donor Registry of Nebraska may only be used to facilitate the donation process at the time of the donor's death. General statistical information may be provided upon request to the federally designated organ procurement organization for Nebraska.

Sec. 4. Original section 71-4822, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Supplement, 2021, are repealed.