

House Bill 2687

Sponsored by Representative NOSSE (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits transplant center from recommending that potential anatomical gift recipient who is medical marijuana patient be removed from list of potential recipients exclusively based on positive result of drug test for marijuana use.

A BILL FOR AN ACT

1
2 Relating to anatomical gifts; creating new provisions; and amending ORS 97.972.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 97.972 is amended to read:

5 97.972. (1) When a hospital refers an individual at or near death to a procurement organization,
6 the organization shall make a reasonable search of the records of the Department of Transportation
7 and any donor registry that it knows exists for the geographical area in which the individual resides
8 to ascertain whether the individual has made an anatomical gift.

9 (2) A procurement organization must be allowed reasonable access to information in the records
10 of the Department of Transportation to ascertain whether an individual at or near death is a donor.

11 (3) When a hospital refers an individual at or near death to a procurement organization, the
12 organization may conduct any reasonable examination necessary to ensure the medical suitability
13 of a body part that is or could be the subject of an anatomical gift for transplantation, therapy, re-
14 search or education from a donor or a prospective donor. During the examination period, measures
15 necessary to ensure the medical suitability of the body part may not be withdrawn unless the hos-
16 pital or procurement organization knows that the individual expressed a contrary intent.

17 (4)(a) Unless otherwise prohibited by law, at any time after a donor's death, the person to whom
18 a body part passes under ORS 97.969 may conduct any reasonable examination necessary to ensure
19 the medical suitability of the body or body part for its intended purpose.

20 (b) A transplant hospital may not deny a recipient from receiving an anatomical gift exclusively
21 on the basis that the recipient is a registry identification cardholder as defined in ORS 475B.791.

22 **(c) A transplant hospital or a licensed health care practitioner involved in the care of a**
23 **recipient may not recommend that the recipient be removed from the list of potential re-**
24 **ipients of anatomical gifts that is managed by the United Network for Organ Sharing, or its**
25 **successor organization, exclusively on the basis that the recipient is a registry identification**
26 **cardholder as defined in ORS 475B.791 and receives a positive result of a drug test for**
27 **marijuana use.**

28 (5) Unless otherwise prohibited by law, an examination under subsection (3) or (4)(a) of this
29 section may include an examination of all medical and dental records of the donor or prospective
30 donor.

31 (6) Upon the death of a minor who was a donor or had signed a refusal, unless a procurement

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 organization knows the minor is emancipated, the procurement organization shall conduct a rea-
 2 sonable search for the parents of the minor and provide the parents with an opportunity to revoke
 3 or amend the anatomical gift or revoke the refusal.

4 (7) Upon referral by a hospital under subsection (1) of this section, a procurement organization
 5 shall make a reasonable search for any person listed in ORS 97.965 having priority to make an an-
 6 atomical gift on behalf of a prospective donor. If a procurement organization receives information
 7 that an anatomical gift to any other person was made, amended or revoked, it shall promptly advise
 8 the other person of all relevant information.

9 (8) Subject to ORS 97.969 (9) and 97.980, the rights of the person to whom a body part passes
 10 under ORS 97.969 are superior to the rights of all others with respect to the body part. The person
 11 may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document
 12 of gift and ORS 97.951 to 97.982, a person who accepts an anatomical gift of an entire body may
 13 allow embalming, burial or cremation and use of remains in a funeral service. If the gift is of a body
 14 part, the person to whom the body part passes under ORS 97.969, upon the death of the donor and
 15 before embalming, burial or cremation, shall cause the body part to be removed without unnecessary
 16 mutilation.

17 (9) Neither the physician who attends the decedent at death nor the physician who determines
 18 the time of the decedent's death may participate in the procedures for removing or transplanting a
 19 body part from the decedent.

20 (10) A physician or technician may remove from the body of a donor a donated body part that
 21 the physician or technician is qualified to remove.

22 **SECTION 2. The amendments to ORS 97.972 by section 1 of this 2019 Act apply to a drug**
 23 **test administered to a registry identification cardholder as defined in ORS 475B.791 before,**
 24 **on or after the effective date of this 2019 Act.**

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