

1999 DRAFTING REQUEST

Bill

Received: **03/09/2000**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Sheldon Wasserman (608) 266-7671**

By/Representing: **Sarah (aide)**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact:

Alt. Drafters: **fasttn**

Subject: **Health - miscellaneous
Transportation - driver licenses
Health - directives**

Extra Copies: **ISR**

Pre Topic:

No specific pre topic given

Topic:

Wisconsin donor registry and donor registry board

Instructions:

Same as 99-3999/5

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reauired</u>
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FE Sent For:

03-21-00

<END>

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/?	kenneda	11 3/10 jlg	3/10	3/10			

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<END>

1999 BILL

No change

Reger

1 **AN ACT to renumber** 343.14 (6); **to renumber and amend** 157.06 (1) (c) 2. and
2 157.06 (2) (f) 5. b.; **to amend** 20.435 (1) (bm), 146.71, 155.30 (3), 157.06 (2) (b),
3 157.06 (2) (f) l., 157.06 (2) (f) lm., 157.06 (2) (f) 4., 157.06 (2) (i) l., 157.06 (2)
4 (i) 2. b., 157.06 (2) (i) 3., 157.06 (10m) (a) l., 157.06 (10r) (a), 343.17 (3) (b),
5 343.175 (l), 343.175 (2) (a), 343.175 (2) (ag), 343.175 (2) (ar), 343.175 (2) (b),
6 343.20 (2m), 343.50 (3) and 343.50 (4m) (a); and **to create** 15.195 (2), 20.435 (1)
7 (bm), 155.30 (3m), 157.06 (1) (em), 157.06 (1) (km), 157.06 (2) (L), 157.06 (10m),
8 157.06 (10r), 343.14 (2) (g) 2m., 343.14 (6) (b), 343.235 (3) (c), 343.24 (4) (c) 3.
9 and 343.50 (4m) (c) of the statutes; **relating to:** creating a donor registry board,
10 creating a Wisconsin donor registry, the definition of "document of gift",
11 modifying the form for the power of attorney for health care, requiring a study,

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1 providing an exemption from emergency rule procedures, granting
2 rule-making authority and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, a person who is 18 or older may make a donation of all or a part of his or her body to a hospital, physician or an organ procurement organization; to an accredited medical or dental school, college or university; or to a designated individual. This anatomical gift may be made only if the donor signs a document of gift, which may be a card, a statement attached to or imprinted on a driver's license or identification card issued by the department of transportation (DOT), a will or another writing, such as a power of attorney for health care, that is used to make such a gift. The department of health and family services (DHFS) is required to prepare and provide copies of a power of attorney for health care instrument for distribution to the public; the form for the power of attorney for health care instrument that DHFS must prepare is specified in the statutes.

This bill creates a donor registry board that is attached to DHFS, composed of 11 voting and two nonvoting members. The donor registry board must review requests for proposals and award one or more contracts from general purpose revenues, as appropriated under the bill, to establish, operate and maintain a Wisconsin donor registry. The Wisconsin donor registry shall include names of and pertinent information about persons who have signed enrollment forms indicating their desires to make anatomical gifts. The bill authorizes the signing of an enrollment form to be an additional means of making a document of gift. This information is not subject to open records requirements and may be released by the registry only to organ procurement organizations, eye banks, tissue banks, the donor registry board and any successor contractors. Before the Wisconsin donor registry is implemented, the donor registry board must promulgate rules that ensure the confidentiality of registry enrollees and may promulgate the rules as emergency rules without making a finding of emergency. The entity that operates the registry must operate also a toll-free telephone number and may maintain an Internet Web site to provide information about making an anatomical gift and about enrollment in and disenrollment from the registry. The donor registry board must study the effectiveness of the registry and, by March 1, 2003, report the study results to the governor and the legislature.

The bill also modifies the power of attorney for health care form, to indicate that, since many institutions have certain conditions that must be met before receiving a donated body, if the principal intends to donate his or her whole body to an institution, the principal will attempt to contact the institution to which the donation is intended to be made. In addition, the bill authorizes DHFS to modify the form with respect to making an anatomical gift, to include the toll-free telephone number to obtain information on the Wisconsin donor registry.

Under current law, DOT is required to inquire whether an applicant for a driver's license or identification card (ID card) desires to be an organ donor. DOT

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must record the applicant's response in its file on the person. The bill requires DOT to forward to the Wisconsin donor registry, at least quarterly, a list of the names and addresses of those applicants whose response to this inquiry was affirmative. The bill also requires DOT to print the toll-free telephone number to obtain information on the Wisconsin donor registry on the reverse side of every driver's license and ID card. Finally, DOT must disseminate the enrollment form to all applicants for a driver's license or ID card.

Lastly, the bill requests that the entity that operates and maintains the Wisconsin donor registry study and, by January 1, 2002, report to the donor registry board on the means by which names and information may be purged from the registry after a period of time.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.195 (2) of the statutes is created to read:

2 15.195 (2) **DONOR REGISTRY BOARD.** There is created a donor registry board,
3 attached to the department of health and family services under s. 15.03. The donor
4 registry board shall consist of the secretary of health and family services and the
5 secretary of transportation, or their designees, as nonvoting members, and shall
6 consist of the following voting members appointed for 3-year terms:

7 (a) One representative of each of 2 organ procurement organizations.

8 (b) Two representatives of repositories for donated human tissue and bone.

9 (c) One representative of a repository for donated human eyes or portions of
10 eyes.

11 (d) One recipient of organ or tissue donation or his or her family member.

12 (e) One organ or tissue donor or his or her family member.

13 (f) One member nominated by the Wisconsin Health and Hospital Association,
14 Inc.

15 (g) One member nominated by the Wisconsin Nurses Association, Inc.

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1 (h) One member nominated by the State Medical Society of Wisconsin.

2 (i) One member nominated by the State Bar of Wisconsin.

3 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
4 the following amounts for the purposes indicated:

5 **1999-00 2000-01**

6 **20.435 Health and family services, department**
a **of**

8 (1) PUBLIC HEALTH SERVICES PLANNING REGULATION
9 AND DELIVERY STATE OPERATIONS

10 (bm) Wisconsin donor registry **GPR C -0- 600,000**

11 **SECTION 3.** 20.435 (1) (bm) of the statutes is created to read:

12 **20.435 (1) (bm) Wisconsin donor registry.** As a continuing appropriation, the
13 amounts in the schedule for permanent property, supplies, services and staff support
14 for the establishment, operation, maintenance and monitoring of the Wisconsin
15 donor registry.

16 **SECTION 4.** 20.435 (1) (bm) of the statutes, as created by 1999 Wisconsin Act
17 (this act), is amended to read:

18 **20.435 (1) (bm) Wisconsin donor registry.** As a continuing appropriation, the
19 amounts in the schedule for permanent property, supplies, services and staff support
20 for the ~~establishment,~~ operation, maintenance and monitoring of the Wisconsin
21 donor registry.

22 **SECTION 5.** 146.71 of the statutes is amended to read:

23 **146.71 Determination of death.** An individual who has sustained either
24 irreversible cessation of circulatory and respiratory functions or irreversible

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1 cessation of all functions of the entire brain, including the brain stem, is dead. A
2 determination of death shall be made in accordance with accepted medical
3 standards. A physician who acts in accordance with this section in making a
4 determination of death or attempts in good faith to do so is not liable for that act in
5 a civil action or criminal proceeding.

6 SECTION 6. 155.30 (3) of the statutes is amended to read:

7 155.30 (3) The department shall prepare and provide copies of a power of
8 attorney for health care instrument and accompanying information for distribution
9 in quantities to health care professionals, hospitals, nursing homes, multipurpose
10 senior centers, county clerks and local bar associations and individually to private
11 persons. The department shall include, in information accompanying the copy of the
12 instrument, at least the statutory definitions of terms used in the instrument,
13 statutory restrictions on who may be witnesses to a valid instrument, a statement
14 explaining that valid witnesses acting in good faith are statutorily immune from civil
15 or criminal liability and a statement explaining that an instrument may, but need
16 not, be filed with the register in probate of the principal's county of residence. The
17 department may charge a reasonable fee for the cost of preparation and distribution.
18 The power of attorney for health care instrument distributed by the department
19 shall include the notice specified in sub. (1) and shall, ~~except as provided in sub. (3m),~~
20 be in the following form:

21 POWER OF ATTORNEY

22 FOR HEALTH CARE

23 Document made this day of... (month),.... (year).

24 CREATION OF POWER OF

25 ATTORNEY FOR HEALTH CARE

BILL

1 I,... (print name, address and date of birth), being of sound mind, intend by this
2 document to create a power of attorney for health care. My executing this power of
3 attorney for health care is voluntary. Despite the creation of this power of attorney
4 for health care, I expect to be fully informed about and allowed to participate in any
5 health care decision for me, to the extent that I am able. For the purposes of this
6 document, "health care decision" means an informed decision to accept, maintain,
7 discontinue or refuse any care, treatment, service or procedure to maintain, diagnose
8 or treat my physical or mental condition.

9 In addition, I may, by this document, specify my wishes with respect to making
10 an anatomical gift upon my death.

DESIGNATION OF HEALTH CARE AGENT

11
12 If I am no longer able to make health care decisions for myself, due to my
13 incapacity, I hereby designate... (print name, address and telephone number) to be
14 my health care agent for the purpose of making health care decisions on my behalf.
15 If he or she is ever unable or unwilling to do so, I hereby designate.... (print name,
16 address and telephone number) to be my alternate health care agent for the purpose
17 of making health care decisions on my behalf. Neither my health care agent nor my
18 alternate health care agent whom I have designated is my health care provider, an
19 employe of my health care provider, an employe of a health care facility in which I
20 am a patient or a spouse of any of those persons, unless he or she is also my relative.
21 For purposes of this document, "incapacity" exists if 2 physicians or a physician and
22 a psychologist who have personally examined me sign a statement that specifically
23 expresses their opinion that I have a condition that means that I am unable to receive
24 and evaluate information effectively or to communicate decisions to such an extent

BILL

1 that I lack the capacity to manage my health care decisions. A copy of that statement
2 must be attached to this document.

3 **GENERAL STATEMENT OF**
4 **AUTHORITY GRANTED**

5 Unless I have specified otherwise in this document, if I ever have incapacity I
6 instruct my health care provider to obtain the health care decision of my health care
7 agent, if I need treatment, for all of my health care and treatment. I have discussed
8 my desires thoroughly with my health care agent and believe that he or she
9 understands my philosophy regarding the health care decisions I would make if I
10 were able. I desire that my wishes be carried out through the authority given to my
11 health care agent under this document.

12 If I am unable, due to my incapacity, to make a health care decision, my health
13 care agent is instructed to make the health care decision for me, but my health care
14 agent should try to discuss with me any specific proposed health care if I am able to
15 **communicate in any manner, including by blinking my eyes. If this communication**
16 cannot be made, my health care agent shall base his or her decision on any health
17 care choices that I have expressed prior to the time of the decision. If I have not
18 expressed a health care choice about the health care in question and communication
19 cannot be made, my health care agent shall base his or her health care decision on
20 what he or she believes to be in my best interest.

21 **LIMITATIONS ON**
22 **MENTAL HEALTH TREATMENT**

23 My health care agent may not admit or commit me on an inpatient basis to an
24 **institution for mental diseases, an intermediate care facility for the mentally**
25 retarded, a state treatment facility or a treatment facility. My health care agent may

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1 not consent to experimental mental health research or psychosurgery,
2 electroconvulsive treatment or drastic mental health treatment procedures for me.

3 **ADMISSION TO NURSING HOMES**4 **OR COMMUNITY-BASED RESIDENTIAL FACILITIES**

5 My health care agent may admit me to a nursing home or community-based
6 residential facility for short-term stays for recuperative care or respite care.

7 If I have checked "Yes" to the following, my health care agent may admit me for
8 a purpose other than recuperative care or respite care, but if I have checked "No" to
9 the following, my health care agent may not so admit me:

10 1. A nursing home - Yes No

11 2. A community-based residential facility - Yes. . . No. . .

12 If I have not checked either "Yes" or "No" immediately above, my health care
13 agent may admit me only for short-term stays for recuperative care or respite care.

14 **PROVISION OF A FEEDING TUBE**

15 If I have checked "Yes" to the following, my health care agent may have a
16 feeding tube withheld or withdrawn from me, unless my physician has advised that,
17 in his or her professional judgment, this will cause me pain or will reduce my comfort.
18 If I have checked "No" to the following, my health care agent may not have a feeding
19 tube withheld or withdrawn from me.

20 My health care agent may not have orally ingested nutrition or hydration
21 withheld or withdrawn from me unless provision of the nutrition or hydration is
22 medically contraindicated.

23 Withhold or withdraw a feeding tube - Yes. . . No. . .

24 If I have not checked either "Yes" or "No" immediately above, my health care
25 agent may not have a feeding tube withdrawn from me.

BILL

HEALTH CARE DECISIONS

FOR PREGNANT WOMEN

If I have checked “Yes” to the following, my health care agent may make health care decisions for me even if my agent knows I am pregnant. If I have checked “No” to the following, my health care agent may not make health care decisions for me if my health care agent knows I am pregnant.

Health care decision if I am pregnant - Yes.... No....

If I have not checked either “Yes” or “No” immediately above, my health care agent may not make health care decisions for me if my health care agent knows I am pregnant.

STATEMENT OF DESIRES, SPECIAL

PROVISIONS OR LIMITATIONS

In exercising authority under this document, my health care agent shall act consistently with my following stated desires, if any, and is subject to any special provisions or limitations that I specify. The following are specific desires, provisions or limitations that I wish to state (add more items if needed):

1) -

2) -

3) -

INSPECTION AND DISCLOSURE OF INFORMATION

RELATING TO MY PHYSICAL OR MENTAL HEALTH

Subject to any limitations in this document, my health care agent has the authority to do all of the following:

(a) Request, review and receive any information oral or written, regarding my physical or mental health, including medical and hospital records.

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1 (b) Execute on my behalf any documents that may be required in order to obtain
2 this information.

3 (c) Consent to the disclosure of this information.

4 (The principal and the witnesses all must sign the document at the same time.)

5 SIGNATURE OF PRINCIPAL

6 (person creating the power
7 of attorney for health care)

8 Signature....

Date....

9 (The signing of this document by the principal revokes all previous powers of
10 attorney for health care documents.)

11 STATEMENT OF WITNESSES

12 I know the principal personally and I believe him or her to be of sound mind and
13 at least 18 years of age. I believe that his or her execution of this power of attorney
14 for health care is voluntary.. I am at least 18 years of age, am not related to the
15 principal by blood, marriage or adoption and am not directly financially responsible
16 for the principal's health care. I am not a health care provider who is serving the
17 principal at this time, an employe of the health care provider, other than a chaplain
18 or a social worker, or an employe, other than a chaplain or a social worker, of an
19 inpatient health care facility in which the declarant is a patient. I am not the
20 principal's health care agent. To the best of my knowledge, I am not entitled to and
21 do not have a claim on the principal's estate.

22 Witness No. 1:

23 (print) Name....

Date....

24 Address....

25 Signature....

BILL

1 Witness No. 2:

2 (print) Name....

Date....

3 Address....

4 Signature....

5 STATEMENT OF HEALTH CARE AGENT

6 AND ALTERNATE HEALTH CARE AGENT

7 I understand that... (name of principal) has designated me to be his or her
8 health care agent or alternate health care agent if he or she is ever found to have
9 incapacity and unable to make health care decisions himself or herself. (name of
10 principal) has discussed his or her desires regarding health care decisions with me.

11 Agent's signature.. . .

12 Address...;

13 Alternate's signature.. . .

14 Address....

15 Failure to execute a power of attorney for health care document under chapter
16 155 of the Wisconsin Statutes creates no presumption about the intent of any
17 individual with regard to his or her health care decisions.

18 This power of attorney for health care is executed as provided in chapter 155
19 of the Wisconsin Statutes.

20 ANATOMICAL GIFTS (optional)

21 Upon my death:

22 I wish to donate only the following organs or parts: (specify the organs or
23 parts).

24 I wish to donate any needed organ or part.

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1 ... I wish to donate my body for anatomical study if needed. (Since many
2 institutions have certain conditions that must be met before receiving donation of a
3 body. I will attempt to contact the institution to which the donation is intended to be
4 made.)

5 I refuse to make an anatomical gift. (If this revokes a prior commitment that
6 I have made to make an anatomical gift to a designated donee, I will attempt to notify
7 the donee to which or to whom I agreed to donate.)

8 Failing to check any of the lines immediately above creates no presumption
9 about my desire to make or refuse to make an anatomical gift.

10 Signature....

Date....

11 **SECTION 7.** 155.30 (3m) of the statutes is created to read:

12 155.30 (3m) The department may modify the form specified in sub. (3) to
13 include, for the purposes of making an anatomical gift, the toll-free telephone
14 number of the Wisconsin donor registry under s. 157.06 (10r).

15 **SECTION 8.** 157.06 (1) (c) 2. of the statutes is renumbered 157.06 (1) (c) and
16 amended to read:

17 157.06 (1) (c) "Document of gift" means a card, a statement attached to or
18 imprinted on a license under s. 343.175 (2) or on an identification card under s.
19 343.50 (3), a will, an enrollment form signed as specified in sub. (10r)(b) or another
20 writing used to make an anatomical gift.

21 **SECTION 9.** 157.06 (1) (em) of the statutes is created to read:

22 157.06 (1) (em) "Eye bank" means a repository for donated human eyes or
23 portions of eyes destined for ocular transplant surgery and research.

24 **SECTION 10.** 157.06 (1) (km) of the statutes is created to read:

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1 157.06 (1) (km) "Tissue bank" means a repository for donated tissue and bone.

2 **SECTION 11.** 157.06 (2) (b) of the statutes is amended to read:

3 157.06 (2) (b) An anatomical gift under par. (a) may be made only by a document
4 of gift signed and dated by the donor. If the donor cannot so sign and date, the
5 document of gift shall be signed and dated by another individual and by 2 witnesses,
6 all of whom have signed and dated at the direction and in the presence of the donor
7 and of each other, and the document of gift shall state that it has been so signed and
8 dated.

9 **SECTION 12.** 157.06 (2) (f) 1. of the statutes is amended to read:

10 157.06 (2) (f) 1. Signing and dating a statement of amendment or revocation.

11 **SECTION 13.** 157.06 (2) (f) Pm. of the statutes is amended to read:

12 157.06 (2) (f) 1m. Signing and dating a new document of gift. Signing and
13 dating a new document of gift revokes any previously signed and dated document of
14 gift.

15 **SECTION 14.** 157.06 (2) (f) 4. of the statutes is amended to read:

16 157.06 (2) (f) 4. Delivering a signed and dated statement of amendment or
17 revocation to a specified donee to whom a document of gift had been delivered.

18 **SECTION 15.** 157.06 (2) (f) 5. b. of the statutes is renumbered 157.06 (2) (f) 5.
19 and amended to read:

20 157.06 (2) (f) 5. Crossing out or amending and dating the donor authorization
21 or refusal in the space provided on his or her license as prescribed in s. 343.175 (2)
22 or identification card as prescribed in s. 343.50 (3).

23 **SECTION 16.** 157.06 (2) (i) 1. of the statutes is amended to read:

24 157.06 (2) (i) 1. Making a writing of refusal that is signed and dated in the same
25 manner as is required for a document of gift.

BILL

1 **SECTION 17.** 157.06 (2) (i) 2. b. of the statutes is amended to read:

2 157.06 (2) (i) 2. b. ~~Attaching~~ Dating and attaching a statement of refusal to or
3 imprinting a statement of refusal on his or her license under s. 343.175 (2) or
4 identification card under s. 343.50 (3).

5 **SECTION 18.** 157.06 (2) (i) 3. of the statutes is amended to read:

6 157.06 (2) (i) 3. Making and dating any other writing that is used to identify
7 the individual as refusing to make an anatomical gift. During the individual's
8 terminal illness or injury, he or she may make the refusal by an oral statement or
9 other form of communication to another.

10 **SECTION 19.** 157.06 (2) (L) of the statutes is created to read:

11 157.06 (2) (L) Notwithstanding the requirements for dating documents under
12 pars. (b), (f) l., lm. 4. and 5. and (i) l., 2. b. and 3. and s. 343.175 (2) (ar) and (b), and
13 except as provided in ss. 155.10 (1) (b) and 155.40 (1) (b), all of the following apply:

14 1. The existence of a document of **gift** in undated form does not **invalidate** the
15 document of **gift**.

16 2. The existence of a written but undated amendment to a document of gift does
17 not invalidate the amendment.

18 3. The existence of a written but undated revocation of an anatomical gift does
19 not invalidate the revocation.

20 4. The existence of a written but undated refusal to make an anatomical gift
21 does not invalidate the refusal.

22 5. The existence of a written but undated revocation of a refusal to make an
23 anatomical **gift** does not invalidate the revocation of the refusal.

24 **SECTION 20.** 157.06 (10m) of the statutes is created to read:

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1 157.06 **(10m)** DONOR REGISTRY BOARD. (a) The donor registry board shall do all
2 of the following:

3 1. Review requests for proposals and, from the appropriation under s. 20.435
4 (1) (bm), award one or more contracts to establish, operate and maintain the
5 Wisconsin donor registry. The board shall consult with the department in preparing
6 requests for proposals under this subdivision. A contract under this subdivision
7 shall specify that the awardee shall, at the end of the contract term or if the contract
8 is otherwise terminated, relinquish to the board the names of enrollees and other
9 information in the registry and any rights to a toll-free telephone number for the
10 registry.

11 2. Direct and monitor or, from the appropriation under s. 20.435 (1) (bm), award
12 a contract for the monitoring of the operation of and services provided by the
13 Wisconsin donor registry.

14 3. Promulgate rules that ensure the confidentiality of enrollees of the
15 Wisconsin donor registry.

16 4. Study the effectiveness of the Wisconsin donor registry and, by March 1,
17 2003, report the study results to the legislature under s. 13.172 (2) and to the
18 governor.

19 (b) The department of health and family services shall provide technical
20 support to the donor registry board.

21 **SECTION 21.** 157.06 **(10m)** (a) 1. of the statutes, as created by 1999 Wisconsin
22 Act (this act), is amended to read:

23 **157.06 (10m)** (a) 1. Review requests for proposals and, from the appropriation
24 under s. 20.435 (1) (bm), award one or more contracts to ~~establish~~, operate and
25 maintain the Wisconsin donor registry. The board shall consult with the department

BILL**SECTION 21**

1 in preparing requests for proposals under this subdivision. A contract under this
2 subdivision shall **specify** that the awardee shall, at the end of the contract term or
3 if the contract is otherwise terminated, relinquish to the board the names of enrollees
4 and other information in the registry and any rights to a toll-free telephone number
5 for the registry.

6 **SECTION 22.** 157.06 (10r) of the statutes is created to read:

7 157.06 (10r) WISCONSIN DONOR REGISTRY. (a) Under a contract that is awarded
8 under sub. (10m) (a) l., an entity shall establish, operate and maintain an organ and
9 tissue donor registry, to be known as the "Wisconsin donor **registry**", that includes
10 the names of and pertinent information concerning persons who are enrolled to
11 provide anatomical gifts. The entity may release information from the registry only
12 to organ procurement organizations, eye banks, tissue banks, the donor registry
13 board and its staff and any successor contractor. Information in the registry is not
14 available for inspection or copying under s. 19.35 (1).

15 (b) Any person who desires to make an anatomical gift and to be enrolled in
16 the Wisconsin donor registry shall sign an enrollment form and return the form to
17 the registry or to the department of transportation under s. 343.14 (6) (b) or 343.50
18 (4m) (c). The enrollment form may be designed by the entity that operates and
19 maintains the 'registry, but no form may conflict with the requirements of this
20 section.

21 (c) The entity that operates and maintains the Wisconsin donor registry shall
22 operate a toll-free telephone number and may maintain an Internet Web site, to
23 provide information about making an anatomical gift and about enrollment in and
24 disenrollment from the registry. Any computer technology developed by the entity
25 under this paragraph is the property of the donor registry board.

BILL

1 (d) No organ procurement organization, tissue bank or eye bank may be
2 required to contribute directly money or any other thing of value to provide payment
3 for operation of the Wisconsin donor registry.

4 **SECTION 23.** 157.06 (10r) (a) of the statutes, as created by 1999 Wisconsin Act
5 (this act), is amended to read:

6 157.06 (10r) (a) Under a contract that is awarded under sub. (10m) (a) 1., an
7 entity shall ~~establish~~, operate and maintain an organ and tissue donor registry, to
8 be known as the "Wisconsin donor registry", that includes the names of and pertinent
9 information concerning persons who are enrolled to provide anatomical gifts. The
10 entity may release information from the registry only to organ procurement
11 organizations, eye banks, tissue banks, the donor registry board and its staff and any
12 successor contractor. Information in the registry is not available for inspection or
13 copying under s. 19.35 (1).

14 **SECTION 24.** 343.14 (2) (g) 2m. of the statutes is created to read:

15 343.14 (2) (g) 2m. The name and address of the applicant will be forwarded by
16 the department to the Wisconsin donor registry under s. 157.06 (10r) (a) if the
17 response to the question under this paragraph is affirmative.

18 **SECTION 25.** 343.14 (6) of the statutes is renumbered 343.14 (6) (a).

19 **SECTION 26.** 343.14 (6) (b) of the statutes is created to read:

20 343.14 (6) (b) Notwithstanding par. (a), the department shall disseminate to
21 applicants the enrollment form specified under s. 157.06 (10r) (b). An applicant may
22 make an anatomical **gift** and be enrolled in the Wisconsin donor registry under s.
23 157.06 (10r) (a) by signing the enrollment form and returning it to the registry. The
24 department shall inform applicants that enrollment in the Wisconsin donor registry
25 is not required to make an anatomical **gift**.

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1 **SECTION 27.** 343.17 (3) (b) of the statutes is amended to read:

2 343.17 (3) (b) The reverse side of the license shall contain an explanation of any
3 restriction codes or endorsement abbreviations used on the front of the license, in
4 sufficient detail to identify the nature of the restrictions or endorsements to a law
5 enforcement officer of this state or another jurisdiction. Except for a commercial
6 driver license or a license labeled "CDL-Occupational" as described in s. 343.03 (3)
7 (b) and (e), a part of the reverse side of each license shall be printed to serve as a
8 document of gift under s. 157.06 (2) (b) and (c) or a document of refusal to make an
9 anatomical gift under s. 157.06 (2) (i), shall include the words "Wisconsin donor
10 registry" and the toll-free telenhone number that can be used by persons desiring to
11 obtain the information specified under s. 157.06 (10r) (c), and shall be titled "ORGAN
12 AND TISSUE DONATION STATEMENT".

13 **SECTION 28.** 343.175 (1) of the statutes is amended to read:

14 343.175 (1) **DEPARTMENT TO SOLICIT AND RECORD INFORMATION.** As part of every
15 application for an original, duplicate, reinstated, reissued or renewal license or
16 endorsement, the department shall inquire whether the applicant desires to be an
17 organ donor. The department shall record the organ donor response in its file of the
18 person. At not less than 3-month intervals, the department shall compile a list of
19 the names and addresses of persons whose response to the inquiry under this
20 subsection is affirmative and forward it to the Wisconsin donor registry under s.
21 157.06 (10r) (a).

22 **SECTION 29.** 343.175 (2) (a) of the statutes is amended to read:

23 343.175 (2) (a) Except as provided in par. (ag), a part of the reverse side of each
24 license shall be printed to serve as a document of gift under s. 157.06 (2) (b) and (c)
25 or a document of refusal to make an anatomical gift under s. 157.06 (2) (i), shall

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1 include the words “Wisconsin donor registry” and the toll-free telephone number
2 that can be used by nersons **desiring to obtain the information specified under s.**
3 157.06 (10r) (c), and shall be titled “**ORGAN AND TISSUE DONATION**
4 **STATEMENT**”.

5 **SECTION 3Q.** 343.175 (2) (ag) of the statutes is amended to read:

6 343.175 (2) (ag) The department shall print a separate document to be issued
7 to all persons issued a commercial driver license or a license labeled
8 “CDL-Occupational” as described in s. 343.03 (3) (b) and (e) and make provisions so
9 that the document may be attached to the reverse side of the license document along
10 one edge. This document shall serve as a document of gift under s. 157.06 (2) (b) and
11 (c) or a document of refusal to **make** an anatomical gift under s. 157.06 (2) (i), shall
12 include the words “Wisconsin donor registry” and the toll-free telephone number
13 that can be used by nersons desiring to obtain the information specified under s.
14 157.06 (10r) (c), and shall be titled “**ORGAN AND TISSUE DONATION**
15 **STATEMENT**”.

16 **SECTION 31.** 343.175 (2) (ar) of the statutes is amended to read:

17 343.175 (2) (ar) If the person desires to be an organ donor, he or she may so
18 indicate in the space provided on the license. The donor may supply information in
19 the space provided on the license, including the specific body parts or organs to be
20 donated, the name of the donee, the purpose for which the gift is made and the
21 physician whom the donor wishes to carry out the appropriate procedures. The
22 anatomical gift described on the license shall be signed and dated by the licensee.

23 **SECTION 32.** 343.175 (2) (b) of the statutes is amended to read:

24 343.175 (2) (b) The licensee may revoke or amend his or her gift by crossing out
25 the donor authorization in the space provided on the license and dating it, or as

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1 otherwise prescribed in s. 157.06. The licensee may refuse to make an anatomical
2 gift by so indicating in the space provided on the license and dating it, or as otherwise
3 prescribed in s. 157.06.

4 **SECTION 33.** 343.20 (2m) of the statutes is amended to read:

5 343.20 (2m) The department shall include with the notice that it mails under
6 sub. (2) information regarding the requirements of s. 347.48 (4); information, as
7 developed by all organ procurement organizations in cooperation with the
8 department, that promotes anatomical donations and which relates to the
9 anatomical donation opportunity available under s. 343.175; the Wisconsin donor
10 registry enrollment form specified under s. 157.06 (10r) (b); and, for licensees aged
11 65 years or older, material, as provided by the department, explaining the voluntary
12 program that is specified in s. 71.55 (10) (b).

13 **SECTION 34.** 343.235 (3) (c) of the statutes is created to read:

14 343.235 (3) (c) The entity acting on behalf of the department of health and
15 family services under s. 157.06 (10r) (a) for purposes related to the organ and tissue
16 donor registry.

17 **SECTION 35.** 343.24 (4) (c) 3. of the statutes is created to read:

18 343.24 (4) (c) 3. The entity acting on behalf of the department of health and
19 family services under s. 157.06 (10r) (a) for purposes related to the organ and tissue
20 donor registry.

21 **SECTION 36.** 343.50 (3) of the statutes is amended to read:

22 343.50 (3) **DESIGN AND CONTENTS OF CARD.** The card shall be the same size as
23 an operator's license but shall be of a design which is readily distinguishable from
24 the design of an operator's license and bear upon it the words "IDENTIFICATION
25 CARD ONLY". The information on the card shall be the same as specified under s.

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1 343.17 (3). The card may serve as a document of gift under s. 157.06 (2) (b) and (c)
2 and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may
3 also serve as a document of refusal to make an anatomical gift under s. 157.06 (2) (i).
4 The nortion of the card that is designated to serve as a document of gift or a document
5 of refusal to make an anatomical gift shall be titled "ORGAN AND TISSUE
6 DONATION STATEMENT". The card shall contain the holder's photograph and, if
7 applicable, shall be of the design specified under s. 343.17 (3) (a) **12**.

8 **SECTION 37.** 343.50 (4m) (a) of the statutes is amended to read:

9 343.50 (4m) (a) As part of every application for an identification card, the
10 department shall inquire whether the applicant desires to be an organ donor. The
11 department shall record the organ donor response in its file of the person. At not less
12 than 3-month intervals, the department shall compile a list of the names and
13 addresses of persons whose response to the inauiry under this subsection is
14 affirmative and forward it to the Wisconsin donor registry under s. 157.06 (10r) (a).

15 **SECTION 38.** 343.50 (4m) (c) of the statutes is created to read:

16 343.50 **(4m)** (c) Notwithstanding pars. (a) and (b), the department shall
17 disseminate to applicants the enrollment formspecified under s. 157.06 (10r) (c). An
18 applicant may make an anatomical gift and be enrolled in the Wisconsin donor
19 registry under s. 157.06 (10r) (a) by signing the enrollment form and returning it to
20 the registry. The department shall inform applicants that enrollment in the
21 Wisconsin donor registry is not required to make an anatomical gift.

22 **SECTION 39. Nonstatutory provisions.**

23 **(1) DONOR REGISTRY BOARD; INITIAL APPOINTMENTS.** Notwithstanding section
24 15.07 (1) (c) of the statutes and notwithstanding the length of terms specified for the
25 members of the donor registry board appointed under section 15.195 (2) (intro.) of the

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1 statutes, as created by **this** act, 3 initial voting members appointed under that
2 subsection shall be appointed for terms expiring on May 1, 2002, 3 initial voting
3 members appointed under that subsection shall be appointed for terms expiring on
4 May 1, 2003, and 5 initial voting members appointed under that subsection shall be
5 appointed for terms expiring on May 1, 2004.

6 (2) **CONFIDENTIALITY OF REGISTRY ENROLLEES; RULES.**

7 (a) The donor registry board shall submit in proposed form the rules required
8 under section 157.06 (10m) (a) 3. of the statutes, as created by this act, to the
9 legislative council staff under section 227.15 (1) of the statutes no later than the first
10 day of the 8th month beginning after the effective date of this paragraph.

11 (b) Using the procedure under section 227.24 of the statutes, the donor registry
12 board may promulgate rules required under section 157.06 (10m) (a) 3. of the
13 statutes, as created by this act, for the period before the effective date of the rules
14 submitted under paragraph (a), but not to exceed the period authorized under section
15 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b)
16 and (3) of the statutes, the board is not required to provide evidence that
17 promulgating a rule under this paragraph as an emergency rule is necessary for the
18 preservation of the public peace, health, safety or welfare and is not required to
19 provide a finding of emergency for a rule promulgated under this paragraph.

20 (3) **STUDY OF PURGING NAMES AND INFORMATION FROM REGISTRY.** The entity that
21 operates and maintains the Wisconsin donor registry under section 157.06 (10r) of
22 the statutes, as created by this act, shall study the means by which names and
23 information may be purged from the registry after a period of time. By January 1,
24 2002, the entity shall report its findings to the donor registry board.

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1 (4) **MONEYS EXCLUDED FROM BASE.** Notwithstanding section 16.42 (1) (e) of the
2 statutes, in submitting information under section 16.42 of the statutes for purposes
3 of the 2001-03 biennial budget bill, the department of health and family services
4 shall submit information concerning the appropriation under section 20.435 (1) (bm)
5 of the statutes, as created by this act, as though the amounts appropriated to the
6 department under that appropriation for fiscal year 2000-01 were \$300,000 less
7 than the amounts in the schedule.

8 (5) **AUDIT OF THE WISCONSIN DONOR REGISTRY.** The joint legislative audit
9 committee is requested to, and may, direct the legislative audit bureau to perform a
10 performance evaluation audit of the Wisconsin donor registry, beginning 24 months
11 after the initial award of one or more contracts under section 157.06 (10m) (a) 1. of
12 the statutes, as created by this act. If the committee directs the legislative audit
13 bureau to perform an audit, the bureau shall file its report as described in section
14 13.94 (1) (b) of the statutes.

SECTION 40. Initial applicability.,

15 (1) **DRIVERS LICENSES AND IDENTIFICATION CARDS.** The treatment of sections
16 343.14 (2) (g) 2m., 343.17 (3) (b), 343.175 (1) and (2) (a), (ag), (ar) and (b), 343.20 (2m),
17 343.235 (3) (c), 343.24 (4) (c) 3. and 343.50 (3) and (4m) (a) and (c) of the statutes first
18 applies to drivers' licenses and identification cards issued on the effective date of this
19 subsection.
20

21 **SECTION 41. Effective dates.** This act takes effect on the day after publication,
22 except as follows:

23 (1) **WISCONSIN DONOR REGISTRY.** The amendment of sections 20.435 (1) (bm) and
24 157.06 (10m) (a) 1. and (10r) (a) of the statutes takes effect on July 1, 2001.

**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 03/10/2000

To: Representative Wasserman

Relating to LRB drafting number: LRB-4725

Topic

Wisconsin donor registry and donor registry board

Subject(s)

Health - miscellaneous, Transportation - driver licenses, Health - directives

1. **JACKET** the draft for introduction

in the Senate or **the Assembly**


(check only one). Only the requester under whose name the

drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please

allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Debora A. Kennedy, Managing Attorney
Telephone: (608) 266-0137