

TODAY 2/11

1999 - 2000 LEGISLATURE

LRB-3999/4
DAK&TNF:cmh:km

1999 BILL

*Regen
out*

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

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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 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.

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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.

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

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

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

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1999-00 2000-01

20.435 Health and family services, department

of

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

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

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

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

SECTION 4. 20.435 (1) (bm) of the statutes, as created by 1999 Wisconsin Act

... (this act), is amended to read:

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

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

146.71 Determination of death. An individual who has sustained either irreversible cessation of circulatory and respiratory functions or irreversible cessation of all functions of the entire brain, including the brain stem, is dead. A determination of death shall be made in accordance with accepted medical standards. A physician who acts in accordance with this section in making a

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1 determination of death or attempts in good faith to do so is not liable for that act in
2 a civil action or criminal proceeding.

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

4 155.30 (3) The department shall prepare and provide copies of a power of
5 attorney for health care instrument and accompanying information for distribution
6 in quantities to health care professionals, hospitals, nursing homes, multipurpose
7 senior centers, county clerks and local bar associations and individually to private
8 persons. The department shall include, in information accompanying the copy of the
9 instrument, at least the statutory definitions of terms used in the instrument,
10 statutory restrictions on who may be witnesses to a valid instrument, a statement
11 explaining that valid witnesses acting in good faith are statutorily immune from civil
12 or criminal liability and a statement explaining that an instrument may, but need
13 not, be filed with the register in probate of the principal's county of residence. The
14 department may charge a reasonable fee for the cost of preparation and distribution.
15 The power of attorney for health care instrument distributed by the department
16 shall include the notice specified in sub. (1) and shall, except as provided in sub. (3m),
17 be in the following form:

18 **POWER OF ATTORNEY**

19 **FOR HEALTH CARE**

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

21 **CREATION OF POWER OF**

22 **ATTORNEY FOR HEALTH CARE**

23 I,.... (print name, address and date of birth), being of sound mind, intend by this
24 document to create a power of attorney for health care. My executing this power of
25 attorney for health care is voluntary. Despite the creation of this power of attorney

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1 for health care, I expect to be fully informed about and allowed to participate in any
2 health care decision for me, to the extent that I am able. For the purposes of this
3 document, “health care decision” means an informed decision to accept, maintain,
4 discontinue or refuse any care, treatment, service or procedure to maintain, diagnose
5 or treat my physical or mental condition.

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

DESIGNATION OF HEALTH CARE AGENT

8
9 If I am no longer able to make health care decisions for myself, due to my
10 incapacity, I hereby designate.... (print name, address and telephone number) to be
11 my health care agent for the purpose of making health care decisions on my behalf.
12 If he or she is ever unable or unwilling to do so, I hereby designate.... (print name,
13 address and telephone number) to be my alternate health care agent for the purpose
14 of making health care decisions on my behalf. Neither my health care agent nor my
15 alternate health care agent whom I have designated is my health care provider, an
16 employe of my health care provider, an employe of a health care facility in which I
17 am a patient or a spouse of any of those persons, unless he or she is also my relative.
18 For purposes of this document, “incapacity” exists if 2 physicians or a physician and
19 a psychologist who have personally examined me sign a statement that specifically
20 expresses their opinion that I have a condition that means that I am unable to receive
21 and evaluate information effectively or to communicate decisions to such an extent
22 that I lack the capacity to manage my health care decisions. A copy of that statement
23 must be attached to this document.

GENERAL STATEMENT OF**AUTHORITY GRANTED**

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

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

17 **LIMITATIONS ON**
18 **MENTAL HEALTH TREATMENT**

19 My health care agent may not admit or commit me on an inpatient basis to an
20 institution for mental diseases, an intermediate care facility for the mentally
21 retarded, a state treatment facility or a treatment facility. My health care agent may
22 not consent to experimental mental health research or psychosurgery,
23 electroconvulsive treatment or drastic mental health treatment procedures for me.

24 **ADMISSION TO NURSING HOMES**
25 **OR COMMUNITY-BASED RESIDENTIAL FACILITIES**

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

3 If I have checked “Yes” to the following, my health care agent may admit me for
4 a purpose other than recuperative care or respite care, but if I have checked “No” to
5 the following, my health care agent may not so admit me:

6 1. A nursing home — Yes.... No....

7 2. A community-based residential facility — Yes.... No....

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

PROVISION OF A FEEDING TUBE

11 If I have checked “Yes” to the following, my health care agent may have a
12 feeding tube withheld or withdrawn from me, unless my physician has advised that,
13 in his or her professional judgment, this will cause me pain or will reduce my comfort.
14 If I have checked “No” to the following, my health care agent may not have a feeding
15 tube withheld or withdrawn from me.

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

19 Withhold or withdraw a feeding tube — Yes.... No....

20 If I have not checked either “Yes” or “No” immediately above, my health care
21 agent may not have a feeding tube withdrawn from me.

HEALTH CARE DECISIONS**FOR PREGNANT WOMEN**

24 If I have checked “Yes” to the following, my health care agent may make health
25 care decisions for me even if my agent knows I am pregnant. If I have checked “No”

BILL

1 to the following, my health care agent may not make health care decisions for me if
2 my health care agent knows I am pregnant.

3 Health care decision if I am pregnant — Yes.... No....

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

STATEMENT OF DESIRES, SPECIAL**PROVISIONS OR LIMITATIONS**

7
8
9 In exercising authority under this document, my health care agent shall act
10 consistently with my following stated desires, if any, and is subject to any special
11 provisions or limitations that I specify. The following are specific desires, provisions
12 or limitations that I wish to state (add more items if needed):

13 1) –

14 2) –

15 3) –

INSPECTION AND DISCLOSURE OF INFORMATION**RELATING TO MY PHYSICAL OR MENTAL HEALTH**

16
17
18 Subject to any limitations in this document, my health care agent has the
19 authority to do all of the following:

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

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

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

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

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SIGNATURE OF PRINCIPAL

(person creating the power
of attorney for health care)

Signature.... Date....

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

STATEMENT OF WITNESSES

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

Witness No. 1:

(print) Name.... Date....

Address....

Signature....

Witness No. 2:

(print) Name.... Date....

Address....

Signature....

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1 STATEMENT OF HEALTH CARE AGENT
2 AND ALTERNATE HEALTH CARE AGENT

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

7 Agent's signature....

8 Address....

9 Alternate's signature....

10 Address....

11 Failure to execute a power of attorney for health care document under chapter
12 155 of the Wisconsin Statutes creates no presumption about the intent of any
13 individual with regard to his or her health care decisions.

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

16 ANATOMICAL GIFTS (optional)

17 Upon my death:

18 I wish to donate only the following organs or parts: (specify the organs or
19 parts).

20 I wish to donate any needed organ or part.

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

BILL**SECTION 6**

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

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

6 Signature....

Date....

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

8 155.30 (3m) The department may modify the form specified in sub. (3) to
9 include, for the purposes of making an anatomical gift, the toll-free telephone
10 number of the Wisconsin donor registry under s. 157.06 (10r).

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

13 157.06 (1) (c) "Document of gift" means a card, a statement attached to or
14 imprinted on a license under s. 343.175 (2) or on an identification card under s.
15 343.50 (3), a will, an enrollment form signed as specified in sub. (10r) (b) or another
16 writing used to make an anatomical gift.

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

18 157.06 (1) (em) "Eye bank" means a repository for donated human eyes or
19 portions of eyes destined for ocular transplant surgery and research.

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

21 157.06 (1) (km) "Tissue bank" means a repository for donated tissue and bone.

22 ~~**SECTION 11.** 157.06 (2) (f) 5. b. of the statutes is renumbered 157.06 (2) (f) 5.~~

23 **SECTION 12.** 157.06 (10m) of the statutes is created to read:

INSERT 12-22

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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 13.** 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

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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 14.** 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) 1., 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) An individual 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.

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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 15.** 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 16.** 343.14 (6) of the statutes is renumbered 343.14 (6) (a).

15 **SECTION 17.** 343.14 (6) (b) of the statutes is created to read:

16 343.14 (6) (b) Notwithstanding par. (a), the department shall disseminate to
17 applicants the enrollment form specified under s. 157.06 (10r) (b). An applicant may
18 make an anatomical gift and be enrolled in the Wisconsin donor registry under s.
19 157.06 (10r) (a) by signing the enrollment form and returning it to the registry. The
20 department shall inform applicants that enrollment in the Wisconsin donor registry
21 is not required to make an anatomical gift.

22 **SECTION 18.** 343.17 (3) (b) of the statutes is amended to read:

23 343.17 (3) (b) The reverse side of the license shall contain an explanation of any
24 restriction codes or endorsement abbreviations used on the front of the license, in
25 sufficient detail to identify the nature of the restrictions or endorsements to a law

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1 enforcement officer of this state or another jurisdiction. Except for a commercial
2 driver license or a license labeled “CDL—Occupational” as described in s. 343.03 (3)
3 (b) and (e), a part of the reverse side of each license shall be printed to serve as a
4 document of gift under s. 157.06 (2) (b) and (c) or a document of refusal to make an
5 anatomical gift under s. 157.06 (2) (i), shall include the words “Wisconsin donor
6 registry” and the toll-free telephone number that can be used by persons desiring to
7 obtain the information specified under s. 157.06 (10r) (c), and shall be titled “ORGAN
8 AND TISSUE DONATION STATEMENT”.

9 SECTION 19. 343.175 (1) of the statutes is amended to read:

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

18 SECTION 20. 343.175 (2) (a) of the statutes is amended to read:

19 343.175 (2) (a) Except as provided in par. (ag), a part of the reverse side of each
20 license shall be printed to serve as a document of gift under s. 157.06 (2) (b) and (c)
21 or a document of refusal to make an anatomical gift under s. 157.06 (2) (i), shall
22 include the words “Wisconsin donor registry” and the toll-free telephone number
23 that can be used by persons desiring to obtain the information specified under s.
24 157.06 (10r) (c), and shall be titled “ORGAN AND TISSUE DONATION
25 STATEMENT”.

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Insert 17-11

1 **SECTION 21.** 343.175 (2) (ag) of the statutes is amended to read:

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

12 **SECTION 22.** 343.20 (2m) of the statutes is amended to read:

13 343.20 (2m) The department shall include with the notice that it mails under
14 sub. (2) information regarding the requirements of s. 347.48 (4); information, as
15 developed by all organ procurement organizations in cooperation with the
16 department, that promotes anatomical donations and which relates to the
17 anatomical donation opportunity available under s. 343.175; the Wisconsin donor
18 registry enrollment form specified under s. 157.06 (10r) (b); and, for licensees aged
19 65 years or older, material, as provided by the department, explaining the voluntary
20 program that is specified in s. 71.55 (10) (b).

21 **SECTION 23.** 343.235 (3) (c) of the statutes is created to read:

22 343.235 (3) (c) The organ and tissue donor registry under s. 157.06 (10r) (a) for
23 purposes related to the organ and tissue donor registry.

24 **SECTION 24.** 343.50 (3) of the statutes is amended to read:

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1 343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as
2 an operator's license but shall be of a design which is readily distinguishable from
3 the design of an operator's license and bear upon it the words "IDENTIFICATION
4 CARD ONLY". The information on the card shall be the same as specified under s.
5 343.17 (3). The card may serve as a document of gift under s. 157.06 (2) (b) and (c)
6 and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may
7 also serve as a document of refusal to make an anatomical gift under s. 157.06 (2) (i).
8 The portion of the card that is designated to serve as a document of gift or a document
9 of refusal to make an anatomical gift shall be titled "ORGAN AND TISSUE
10 DONATION STATEMENT". The card shall contain the holder's photograph and, if
11 applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

12 **SECTION 25.** 343.50 (4m) (a) of the statutes is amended to read:

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

19 **SECTION 26.** 343.50 (4m) (c) of the statutes is created to read:

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

BILL**1 SECTION 27. Nonstatutory provisions.**

2 (1) DONOR REGISTRY BOARD; INITIAL APPOINTMENTS. Notwithstanding section
3 15.07 (1) (c) of the statutes and notwithstanding the length of terms specified for the
4 members of the donor registry board appointed under section 15.195 (2) (intro.) of the
5 statutes, as created by this act, 3 initial voting members appointed under that
6 subsection shall be appointed for terms expiring on May 1, 2002, 3 initial voting
7 members appointed under that subsection shall be appointed for terms expiring on
8 May 1, 2003, and 5 initial voting members appointed under that subsection shall be
9 appointed for terms expiring on May 1, 2004.

10 (2) CONFIDENTIALITY OF REGISTRY ENROLLEES; RULES.

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

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

24 (3) STUDY OF PURGING NAMES AND INFORMATION FROM REGISTRY. The entity that
25 operates and maintains the Wisconsin donor registry under section 157.06 (10r) of

BILL

1 the statutes, as created by this act, shall study the means by which names and
2 information may be purged from the registry after a period of time. By January 1,
3 2002, the entity shall report its findings to the donor registry board.

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

11 (5) AUDIT OF THE WISCONSIN DONOR REGISTRY. The joint legislative audit
12 committee is requested to, and may, direct the legislative audit bureau to perform a
13 performance evaluation audit of the Wisconsin donor registry, beginning 24 months
14 after the initial award of one or more contracts under section 157.06 (10m) (a) 1. of
15 the statutes, as created by this act. If the committee directs the legislative audit
16 bureau to perform an audit, the bureau shall file its report as described in section
17 13.94 (1) (b) of the statutes.

, (a) and (b)

SECTION 28. Initial applicability.

19 (1) DRIVERS' LICENSES AND IDENTIFICATION CARDS. The treatment of sections
20 343.17 (3) (b), 343.175 (1) and (2) (a) ~~and~~ (ag), 343.20 (2m), 343.235 (3) (c) and 343.50
21 (3) and (4m) (a) and (c) of the statutes first applies to drivers' licenses and
22 identification cards issued on the effective date of this subsection.

23 **SECTION 29. Effective dates.** This act takes effect on the day after publication,
24 except as follows:

BILL

1 (1) WISCONSIN DONOR REGISTRY. The amendment of sections 20.435 (1) (bm) and
2 157.06 (10m) (a) 1. and (10r) (a) of the statutes takes effect on July 1, 2001.

3 (2) DRIVERS' LICENSES AND IDENTIFICATION CARDS. The treatment of sections
4 343.17 (3) (b), 343.175 (1) and (2) (a) ~~and~~ (ag), 343.20 (2m), 343.235 (3) (c) and 343.50
5 (3) and (4m) (a) and (c) of the statutes, the renumbering of section 343.14 (6) of the
6 statutes and the creation of section 343.14 (6) (b) of the statutes and SECTION 28 (1)
7 of this act take effect on January 1, 2001.

8 (END)

↳ (ar) and (b)

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3999/3ins
DAK&TNE:cmh:km

✓ **INSERT 12-22**

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

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

History: 1971 c. 40 s. 93; 1971 c. 213 s. 5; 1977 c. 46, 124; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20, 290; 1983 a. 485; 1985 a. 286, 315; 1985 a. 316 s. 14; Stats. 1985 s. 157.06; 1989 a. 105; 1989 a. 298 ss. 3, 10m, 11m; 1991 a. 32; 1995 a. 27 s. 9126 (19); 1997 a. 52, 206, 305.

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

9 157.06 (2) (f) 1. Signing and dating a statement of amendment or revocation.

History: 1971 c. 40 s. 93; 1971 c. 213 s. 5; 1977 c. 46, 124; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20, 290; 1983 a. 485; 1985 a. 286, 315; 1985 a. 316 s. 14; Stats. 1985 s. 157.06; 1989 a. 105; 1989 a. 298 ss. 3, 10m, 11m; 1991 a. 32; 1995 a. 27 s. 9126 (19); 1997 a. 52, 206, 305.

10 **SECTION 3.** 157.06 (2) (f) 1m. of the statutes is amended to read:

11 157.06 (2) (f) 1m. Signing and dating a new document of gift. Signing and
12 dating a new document of gift revokes any previously signed and dated document of
13 gift.

History: 1971 c. 40 s. 93; 1971 c. 213 s. 5; 1977 c. 46, 124; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20, 290; 1983 a. 485; 1985 a. 286, 315; 1985 a. 316 s. 14; Stats. 1985 s. 157.06; 1989 a. 105; 1989 a. 298 ss. 3, 10m, 11m; 1991 a. 32; 1995 a. 27 s. 9126 (19); 1997 a. 52, 206, 305.

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

15 157.06 (2) (f) 4. Delivering a signed and dated statement of amendment or
16 revocation to a specified donee to whom a document of gift had been delivered.

History: 1971 c. 40 s. 93; 1971 c. 213 s. 5; 1977 c. 46, 124; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20, 290; 1983 a. 485; 1985 a. 286, 315; 1985 a. 316 s. 14; Stats. 1985 s. 157.06; 1989 a. 105; 1989 a. 298 ss. 3, 10m, 11m; 1991 a. 32; 1995 a. 27 s. 9126 (19); 1997 a. 52, 206, 305.

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

1 157.06 (2) (f) 5. Crossing out or amending and dating the donor authorization
2 or refusal in the space provided on his or her license as prescribed in s. 343.175 (2)
3 or identification card as prescribed in s. 343.50 (3).

History: 1971 c. 40 s. 93; 1971 c. 213 s. 5; 1977 c. 46, 124; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20, 290; 1983 a. 485; 1985 a. 286, 315; 1985 a. 316 s. 14; Stats. 1985 s. 157.06; 1989 a. 105; 1989 a. 298 ss. 3, 10m, 11m; 1991 a. 32; 1995 a. 27 s. 9126 (19); 1997 a. 52, 206, 305.

4 **SECTION 6.** 157.06 (2) (i) 1. of the statutes is amended to read:

5 157.06 (2) (i) 1. Making a writing of refusal that is signed and dated in the same
6 manner as is required for a document of gift.

History: 1971 c. 40 s. 93; 1971 c. 213 s. 5; 1977 c. 46, 124; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20, 290; 1983 a. 485; 1985 a. 286, 315; 1985 a. 316 s. 14; Stats. 1985 s. 157.06; 1989 a. 105; 1989 a. 298 ss. 3, 10m, 11m; 1991 a. 32; 1995 a. 27 s. 9126 (19); 1997 a. 52, 206, 305.

7 **SECTION 7.** 157.06 (2) (i) 2. b. of the statutes is amended to read:

8 157.06 (2) (i) 2. b. Attaching Dating and attaching a statement of refusal to or
9 imprinting a statement of refusal on his or her license under s. 343.175 (2) or
10 identification card under s. 343.50 (3).

History: 1971 c. 40 s. 93; 1971 c. 213 s. 5; 1977 c. 46, 124; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20, 290; 1983 a. 485; 1985 a. 286, 315; 1985 a. 316 s. 14; Stats. 1985 s. 157.06; 1989 a. 105; 1989 a. 298 ss. 3, 10m, 11m; 1991 a. 32; 1995 a. 27 s. 9126 (19); 1997 a. 52, 206, 305.

11 **SECTION 8.** 157.06 (2) (i) 3. of the statutes is amended to read:

12 157.06 (2) (i) 3. Making and dating any other writing that is used to identify
13 the individual as refusing to make an anatomical gift. During the individual's
14 terminal illness or injury, he or she may make the refusal by an oral statement or
15 other form of communication to another.

History: 1971 c. 40 s. 93; 1971 c. 213 s. 5; 1977 c. 46, 124; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20, 290; 1983 a. 485; 1985 a. 286, 315; 1985 a. 316 s. 14; Stats. 1985 s. 157.06; 1989 a. 105; 1989 a. 298 ss. 3, 10m, 11m; 1991 a. 32; 1995 a. 27 s. 9126 (19); 1997 a. 52, 206, 305.

16 **SECTION 9.** 157.06 (2) (L) of the statutes is created to read:

17 157.06 (2) (L) Notwithstanding the requirements for dating documents under
18 ~~sub (a)~~ (b), (f) 1., 1m. 4., 5., and (i) 1., 2., b. and 3. and ~~s.~~ s. 343.175 (2) (ar) and (b), and
19 except as provided in ss. 155.10 (1) (b) and 155.40 (1) (b), all of the following apply:

20 1. The existence of a document of gift in undated form may be construed as
21 circumstantial evidence of intent to donate all or a part of a donor's body

as indicated in the document of gift

1 2. The existence of a written but undated amendment to a document of gift may
2 be construed as circumstantial evidence of intent to amend the document of gift.

3 3. The existence of a written but undated revocation of an anatomical gift may
4 be construed as circumstantial evidence of intent to revoke the anatomical gift.

5 4. The existence of a written but undated refusal to make an anatomical gift
6 may be construed as circumstantial evidence of intent to refuse to make the
7 anatomical gift.

8 5. The existence of a written but undated revocation of a refusal to make an
9 anatomical gift may be construed as circumstantial evidence of intent to revoke the
10 refusal to make the anatomical gift.

(END OF INSERT)

Insert 17-11 (page 1 of 2)

Section #. 343.175 (2) (ar) of the statutes is amended to read:

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

History: 1989 a. 105, 298; 1995 a. 446.

and dated



Insert 17-11 (page 2 of 2)

Section #. 343.175 (2) (b) of the statutes is amended to read:

343.175 (2) (b) The licensee may revoke or amend his or her gift by crossing out the donor authorization in the space provided on the license, or as otherwise prescribed in s. 157.06. The licensee may refuse to make an anatomical gift by so indicating in the space provided on the license, or as otherwise prescribed in s. 157.06.

History: 1989 a. 105, 298; 1995 a. 446.

and dating it,

↑
scored
comma

(end of insert)

-3999/4

① When sign up for registry ~~under~~ at DOT, form shd say info will be shared with registry - look at opt-out provision + change

② Lu 157.06(2)(L), shd. state that even though don't date documents, that doesn't invalidate them

3/2/00 t/c Dick Sweet

- ✓ 1. Amend opt-out provisions using "entity acting on behalf of DKFS under"
- ✓ 2. Amend license/ID application re affirmative response, i.e., 343.14 (not 343.125)

TNF

1999 - 2000 LEGISLATURE

5 (Redraft
LRB-3999/1# makes has
DAK&TNF:cmh:jf been run)

WANTED FRI
3/3/00 NOON Thanks

1999 BILL

negot

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) 1., 157.06 (2) (f) 1m., 157.06 (2) (f) 4., 157.06 (2) (i) 1., 157.06 (2)**
4 **(i) 2. b., 157.06 (2) (i) 3., 157.06 (10m) (a) 1., 157.06 (10r) (a), 343.17 (3) (b),**
5 **343.175 (1), 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 (6) (b), 343.235 (3) (c) and 343.50 (4m) (c) of the statutes;**
9 **relating to:** creating a donor registry board, creating a Wisconsin donor
10 registry, the definition of "document of gift", modifying the form for the power
11 of attorney for health care, requiring a study, providing an exemption from

BILL

1 emergency rule procedures, granting rule-making authority and making an
2 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

BILL

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.

BILL

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**

7 **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

BILL

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

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

BILL

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

ADMISSION TO NURSING HOMES**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.

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**

1
2
3 If I have checked “Yes” to the following, my health care agent may make health
4 care decisions for me even if my agent knows I am pregnant. If I have checked “No”
5 to the following, my health care agent may not make health care decisions for me if
6 my health care agent knows I am pregnant.

7 Health care decision if I am pregnant — Yes.... No....

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

STATEMENT OF DESIRES, SPECIAL**PROVISIONS OR LIMITATIONS**

11
12
13 In exercising authority under this document, my health care agent shall act
14 consistently with my following stated desires, if any, and is subject to any special
15 provisions or limitations that I specify. The following are specific desires, provisions
16 or limitations that I wish to state (add more items if needed):

17 1) –

18 2) –

19 3) –

INSPECTION AND DISCLOSURE OF INFORMATION**RELATING TO MY PHYSICAL OR MENTAL HEALTH**

20
21
22 Subject to any limitations in this document, my health care agent has the
23 authority to do all of the following:

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

BILL

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.

BILL

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:

BILL

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) 1m. 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) 1., 1m. 4. and 5. and (i) 1., 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 ~~may be construed as~~
15 ~~circumstantial evidence of intent to donate all or a part of a donor's body, as indicated~~
16 ~~in~~ the document of gift. does not invalidate

17 2. The existence of a written but undated amendment to a document of gift ~~may~~
18 ~~be construed as circumstantial evidence of intent to amend the document of gift.~~ the amendment

19 3. The existence of a written but undated revocation of an anatomical gift ~~may~~
20 ~~be construed as circumstantial evidence of intent to revoke the anatomical gift.~~ the revocation

21 4. The existence of a written but undated refusal to make an anatomical gift
22 ~~may be construed as circumstantial evidence of intent to refuse to make the~~
23 ~~anatomical gift.~~ does not invalidate the refusal

BILL

1 5. The existence of a written but undated revocation of a refusal to make an
2 anatomical gift ~~may be construed as circumstantial evidence of intent to revoke the~~
3 ~~refusal to make the anatomical gift.~~ *does not invalidate the revocation*
of the refusal

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

5 **157.06 (10m) DONOR REGISTRY BOARD.** (a) The donor registry board shall do all
6 of the following:

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

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

18 3. Promulgate rules that ensure the confidentiality of enrollees of the
19 Wisconsin donor registry.

20 4. Study the effectiveness of the Wisconsin donor registry and, by March 1,
21 2003, report the study results to the legislature under s. 13.172 (2) and to the
22 governor.

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

BILL

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

3 **157.06 (10m) (a) 1.** Review requests for proposals and, from the appropriation
4 under s. 20.435 (1) (bm), award one or more contracts to ~~establish~~, operate and
5 maintain the Wisconsin donor registry. The board shall consult with the department
6 in preparing requests for proposals under this subdivision. A contract under this
7 subdivision shall specify that the awardee shall, at the end of the contract term or
8 if the contract is otherwise terminated, relinquish to the board the names of enrollees
9 and other information in the registry and any rights to a toll-free telephone number
10 for the registry.

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

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

20 (b) An individual who desires to make an anatomical gift and to be enrolled in
21 the Wisconsin donor registry shall sign an enrollment form and return the form to
22 the registry or to the department of transportation under s. 343.14 (6) (b) or 343.50
23 (4m) (c). The enrollment form may be designed by the entity that operates and
24 maintains the registry, but no form may conflict with the requirements of this
25 section.

BILL

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

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

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

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

19 **SECTION 24.** 343.14 (6) of the statutes is renumbered 343.14 (6) (a).

20 **SECTION 25.** 343.14 (6) (b) of the statutes is created to read:

21 343.14 (6) (b) Notwithstanding par. (a), the department shall disseminate to
22 applicants the enrollment form specified under s. 157.06 (10r) (b). An applicant may
23 make an anatomical gift and be enrolled in the Wisconsin donor registry under s.
24 157.06 (10r) (a) by signing the enrollment form and returning it to the registry. The

Insert 17-18

BILL

1 department shall inform applicants that enrollment in the Wisconsin donor registry
2 is not required to make an anatomical gift.

3 **SECTION 26.** 343.17 (3) (b) of the statutes is amended to read:

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

15 **SECTION 27.** 343.175 (1) of the statutes is amended to read:

16 343.175 (1) DEPARTMENT TO SOLICIT AND RECORD INFORMATION. As part of every
17 application for an original, duplicate, reinstated, reissued or renewal license or
18 endorsement, the department shall inquire whether the applicant desires to be an
19 organ donor. The department shall record the organ donor response in its file of the
20 person. At not less than 3-month intervals, the department shall compile a list of
21 the names and addresses of persons whose response to the inquiry under this
22 subsection is affirmative and forward it to the Wisconsin donor registry under s.
23 157.06 (10r) (a).

24 **SECTION 28.** 343.175 (2) (a) of the statutes is amended to read:

BILL

1 343.175 (2) (a) Except as provided in par. (ag), a part of the reverse side of each
2 license shall be printed to serve as a document of gift under s. 157.06 (2) (b) and (c)
3 or a document of refusal to make an anatomical gift under s. 157.06 (2) (i), shall
4 include the words “Wisconsin donor registry” and the toll-free telephone number
5 that can be used by persons desiring to obtain the information specified under s.
6 157.06 (10r) (c), and shall be titled “ORGAN AND TISSUE DONATION
7 STATEMENT”.

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

9 343.175 (2) (ag) The department shall print a separate document to be issued
10 to all persons issued a commercial driver license or a license labeled
11 “CDL-Occupational” as described in s. 343.03 (3) (b) and (e) and make provisions so
12 that the document may be attached to the reverse side of the license document along
13 one edge. This document shall serve as a document of gift under s. 157.06 (2) (b) and
14 (c) or a document of refusal to make an anatomical gift under s. 157.06 (2) (i), shall
15 include the words “Wisconsin donor registry” and the toll-free telephone number
16 that can be used by persons desiring to obtain the information specified under s.
17 157.06 (10r) (c), and shall be titled “ORGAN AND TISSUE DONATION
18 STATEMENT”.

19 **SECTION 30.** 343.175 (2) (ar) of the statutes is amended to read:

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

BILL

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

2 343.175 (2) (b) The licensee may revoke or amend his or her gift by crossing out
3 the donor authorization in the space provided on the license and dating it, or as
4 otherwise prescribed in s. 157.06. The licensee may refuse to make an anatomical
5 gift by so indicating in the space provided on the license and dating it, or as otherwise
6 prescribed in s. 157.06.

7 **SECTION 32.** 343.20 (2m) of the statutes is amended to read:

8 343.20 (2m) The department shall include with the notice that it mails under
9 sub. (2) information regarding the requirements of s. 347.48 (4); information, as
10 developed by all organ procurement organizations in cooperation with the
11 department, that promotes anatomical donations and which relates to the
12 anatomical donation opportunity available under s. 343.175; the Wisconsin donor
13 registry enrollment form specified under s. 157.06 (10r) (b); and, for licensees aged
14 65 years or older, material, as provided by the department, explaining the voluntary
15 program that is specified in s. 71.55 (10) (b).

*entity acting on behalf of the
department of health
and family services*

16 **SECTION 33.** 343.235 (3) (c) of the statutes is created to read:

17 343.235 (3) (c) The ~~organ and tissue donor registry~~ under s. 157.06 (10r) (a) for
18 purposes related to the organ and tissue donor registry.

19 **SECTION 34.** 343.50 (3) of the statutes is amended to read:

20 343.50 (3) **DESIGN AND CONTENTS OF CARD.** The card shall be the same size as
21 an operator's license but shall be of a design which is readily distinguishable from
22 the design of an operator's license and bear upon it the words "IDENTIFICATION
23 **CARD ONLY**". The information on the card shall be the same as specified under s.
24 343.17 (3). The card may serve as a document of gift under s. 157.06 (2) (b) and (c)
25 and the holder may affix a sticker thereto as provided in s. 343.175 (3). The card may

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BILL

1 also serve as a document of refusal to make an anatomical gift under s. 157.06 (2) (i).
2 The portion of the card that is designated to serve as a document of gift or a document
3 of refusal to make an anatomical gift shall be titled “ORGAN AND TISSUE
4 DONATION STATEMENT”. The card shall contain the holder’s photograph and, if
5 applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

6 **SECTION 35.** 343.50 (4m) (a) of the statutes is amended to read:

7 343.50 (4m) (a) As part of every application for an identification card, the
8 department shall inquire whether the applicant desires to be an organ donor. The
9 department shall record the organ donor response in its file of the person. At not less
10 than 3-month intervals, the department shall compile a list of the names and
11 addresses of persons whose response to the inquiry under this subsection is
12 affirmative and forward it to the Wisconsin donor registry under s. 157.06 (10r) (a).

13 **SECTION 36.** 343.50 (4m) (c) of the statutes is created to read:

14 343.50 (4m) (c) Notwithstanding pars. (a) and (b), the department shall
15 disseminate to applicants the enrollment form specified under s. 157.06 (10r) (c). An
16 applicant may make an anatomical gift and be enrolled in the Wisconsin donor
17 registry under s. 157.06 (10r) (a) by signing the enrollment form and returning it to
18 the registry. The department shall inform applicants that enrollment in the
19 Wisconsin donor registry is not required to make an anatomical gift.

20 **SECTION 37. Nonstatutory provisions.**

21 (1) DONOR REGISTRY BOARD; INITIAL APPOINTMENTS. Notwithstanding section
22 15.07 (1) (c) of the statutes and notwithstanding the length of terms specified for the
23 members of the donor registry board appointed under section 15.195 (2) (intro.) of the
24 statutes, as created by this act, 3 initial voting members appointed under that
25 subsection shall be appointed for terms expiring on May 1, 2002, 3 initial voting

BILL

1 members appointed under that subsection shall be appointed for terms expiring on
2 May 1, 2003, and 5 initial voting members appointed under that subsection shall be
3 appointed for terms expiring on May 1, 2004.

4 (2) CONFIDENTIALITY OF REGISTRY ENROLLEES; RULES.

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

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

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

23 (4) MONEYS EXCLUDED FROM BASE. Notwithstanding section 16.42 (1) (e) of the
24 statutes, in submitting information under section 16.42 of the statutes for purposes
25 of the 2001–03 biennial budget bill, the department of health and family services

BILL

1 shall submit information concerning the appropriation under section 20.435 (1) (bm)
2 of the statutes, as created by this act, as though the amounts appropriated to the
3 department under that appropriation for fiscal year 2000-01 were \$300,000 less
4 than the amounts in the schedule.

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

12 **SECTION 38. Initial applicability.**

13 (1) **DRIVERS' LICENSES AND IDENTIFICATION CARDS.** The treatment of sections
14 343.17 (3) (b), 343.175 (1) and (2) (a), (ag), (ar) and (b), 343.20 (2m), 343.235 (3) (c)
15 and 343.50 (3) and (4m) (a) and (c) of the statutes first applies to drivers' licenses and
16 identification cards issued on the effective date of this subsection.

17 **SECTION 39. Effective dates.** This act takes effect on the day after publication,
18 except as follows:

19 (1) **WISCONSIN DONOR REGISTRY.** The amendment of sections 20.435 (1) (bm) and
20 157.06 (10m) (a) 1. and (10r) (a) of the statutes takes effect on July 1, 2001.

21 (2) **DRIVERS' LICENSES AND IDENTIFICATION CARDS.** The treatment of sections
22 343.17 (3) (b), 343.175 (1) and (2) (a), (ag), (ar) and (b), 343.20 (2m), 343.235 (3) (c)
23 and 343.50 (3) and (4m) (a) and (c) of the statutes, the renumbering of section 343.14

343.14(2)(g) 2m.,

, 343.24(4)(c) 3.

BILL

1 (6) of the statutes and the creation of section 343.14 (6) (b) of the statutes and SECTION

2 38 (1) of this act take effect on January 1, 2001.

3 (END)

Insert 17-18

SECTION #. CR; 343.14 (2)(g) 2m.

343.14 (2)(g) 2m. [Ⓟ] The name and address

of the applicant will be forwarded by the department
to the Wisconsin donor registry under s. 157.06

(10r)(a) if the response to the question under
this paragraph is affirmative.

(EMP of insert)

Insert 20-18

SECTION #. CR; 343.24 (4)(c) 3.

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

(end
of
insert)

Barman, Mike

From: Barman, Mike
Sent: Wednesday, March 08, 2000 2:26 PM
To: Osterberg, Sarah
Subject: LRB 99-3999/5 (per your request) (oked by Gene Schaeffer of Rosenzweig's office)



99-3999/5

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

**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: 03/02/2000

To: Senator Rosenzweig

Relating to LRB drafting number: LRB-3999

Topic

Registry for organ donations

Subject(s)

Health - directives, Transportation - miscellaneous

1. **JACKET** the draft for introduction

Peggy Rosenzweig

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.

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