



12/28/05, please
State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs0409/3
DAK:lmk:rs

D-NOTE

↑
keep

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2005 ASSEMBLY BILL 659

REGENERATE

✓

1 AN ACT *to renumber and amend* 157.06 (3) (c) 2.; *to amend* 157.06 (1) (c),
2 157.06 (3) (c) 1., 157.06 (4) (am) 2., 157.06 (5) (b) 1. and 157.06 (5) (b) 2.; and *to*
3 *create* 157.06 (1) (eg), 157.06 (1) (er), 157.06 (1) (fg), 157.06 (1) (km), 157.06 (3)
4 (c) 2. a., 157.06 (3) (e) 2. b., 157.06 (3) (c) 2. c., 157.06 (6m) and 157.06 (10m) of
5 the statutes; **relating to:** consent for the uses of certain anatomical gifts and
6 providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a donation may be made of all or part of a human's body (an anatomical gift), to take effect at death. The following persons may make an anatomical gift:

1. The donor, by executing a document of gift that is signed by the donor or by another individual and two witnesses in the presence of the donor, that is specified on a driver's license or identification card that is issued by the Department of Transportation, or that is specified under a will.
2. The spouse, close relative, guardian, or health care agent of the donor after the donor's death (unless the decedent has made an unrevoked refusal to consent to making an anatomical gift), by executing a signed document of gift or by making a telegraphic, recorded telephonic or other recorded message, or other form of

KLK

fact that

sentences

communication to another that is reduced to writing and signed by the recipient when received.

3. A coroner or medical examiner, upon request from a hospital, physician, or organ procurement organization, under limited circumstances.

This bill requires that a hospital, organ procurement organization, tissue bank (as defined in the bill), coroner, or medical examiner that requests an anatomical gift from a potential donor or a spouse, close relative, guardian, or health care agent of a deceased potential donor provide in the document of gift two ~~statements~~ concerning the potential uses of donated bones or tissues by multiple organizations, ~~including nonprofit corporations or for-profit corporations~~, and the limitations on those uses that may be specified in a document of gift. The document of gift must also include lines or spaces for the donor or the spouse, close relative, guardian, or health care agent to acknowledge reading the ~~statements~~ or having them read to him or her, ~~and to limit the use of bones or tissues or to consent to the use of bones or tissues~~. If the donor, spouse, close relative, guardian, or health care agent makes an anatomical gift, the requesting hospital, organ procurement organization, tissue bank, coroner, or medical examiner must provide the telephone number and address of the agency or organization that recovers the anatomical gift. If a hospital, organ procurement organization, tissue bank, coroner, or medical examiner is requesting an anatomical gift from the spouse, close relative, guardian, or health care agent by means of a telephonic or other recorded message, the requestor must inform the spouse, relative, guardian, or agent that the conversation is recorded and that a transcript or recorded copy is available on request; must read the ~~statements~~ concerning potential uses of donated bones or tissues and limitations on those uses; and must note on the document of gift the acknowledgement of the ~~statements, any limitations on use of bones or tissues, and any consent to the uses of the bones or tissues~~. If the donor or the spouse, close relative, guardian, or health care agent fails, in the document of gift, to initial or sign a ~~consent to the use of bones or tissues, that consent is refused~~. The hospital, organ procurement organization, tissue bank, coroner, or medical examiner who obtains an executed document of gift must provide a copy of the document to the donor or other person who executed it.

to make an anatomical gift of bones or tissues

sentences

Under the bill, failure to comply with the requirement to provide the ~~statements~~ concerning the potential uses of donated bones or tissues and limitations on those uses may be subject to a forfeiture of not less than \$500 nor more than \$1,000 for each violation.

The bill eliminates the use of a telegraphic message to make a document of gift.

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

- 1 SECTION 1. 157.06 (1) (c) of the statutes is amended to read:
- 2 157.06 (1) (c) "Document of gift" means a card, a statement attached to or
- 3 imprinted on a license under s. 343.175 (2) or on an identification card under s.

the acknowledgements

1 343.50 (3), a will, or another writing, including a writing under sub. (3) (c) 2., that
2 is used to make an anatomical gift.

3 **SECTION 2.** 157.06 (1) (eg) of the statutes is created to read:

4 157.06 (1) (eg) "For-profit corporation" means any corporation that is not
5 exempt from taxation under section 501 (c) (3) of the Internal Revenue Code.

6 **SECTION 3.** 157.06 (1) (er) of the statutes is created to read:

7 157.06 (1) (er) "Health care provider" has the meaning given in s. 146.81 (1).

8 **SECTION 4.** 157.06 (1) (fg) of the statutes is created to read:

9 157.06 (1) (fg) "Nonprofit corporation" means a nonstock corporation organized
10 under ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).

11 **SECTION 5.** 157.06 (1) (km) of the statutes is created to read:

12 157.06 (1) (km) "Tissue bank" means a corporation that recovers, processes, or
13 distributes tissue for transplantation into humans.

14 **SECTION 6.** 157.06 (3) (c) 1. of the statutes is amended to read:

15 157.06 (3) (c) 1. ~~Executing~~ Subject to sub. (6m), if applicable, executing a
16 document of gift that is signed by the individual.

17 **SECTION 7.** 157.06 (3) (c) 2. of the statutes is renumbered 157.06 (3) (c) 2. (intro.)
18 and amended to read:

19 157.06 (3) (c) 2. (intro.) ~~Making a telegraphic,~~ Subject to sub. (6m), if applicable,
20 making a recorded telephonic or other recorded message, or other form of
21 communication, to another that is reduced to writing and signed by the recipient at
22 the time it is received. In the instance of a recorded message in which a hospital,
23 organ procurement organization, tissue bank, coroner, or medical examiner is
24 requesting an anatomical gift, the hospital, organ procurement organization, tissue
25 bank, coroner, or medical examiner shall do all of the following:

1 **SECTION 8.** 157.06 (3) (c) 2. a. of the statutes is created to read:

2 157.06 (3) (c) 2. a. Inform the individual that the conversation is recorded and
3 that a transcript or recorded copy of the conversation is available upon request and,
4 if requested, provide such a transcript or copy.

5 **SECTION 9.** 157.06 (3) (c) 2. b. of the statutes is created to read:

6 157.06 (3) (c) 2. b. Read aloud to the individual the statements ^{sentences} required under
7 sub. (6m) (a).

8 **SECTION 10.** 157.06 (3) (c) 2. c. of the statutes is created to read:

9 157.06 (3) (c) 2. c. Note on the request form the individual's response to the
10 requirements under sub. (6m) (b). If the procedure under this subdivision is followed,
11 the individual's signature or initials, as specified in sub. (6m) (b), are not required.

12 **SECTION 11.** 157.06 (4) (am) 2. of the statutes is amended to read:

13 157.06 (4) (am) 2. The official has made a reasonable effort, taking into account
14 the useful life of the part of the body, to locate and examine the decedent's medical
15 records and, subject to sub. (6m), inform individuals listed in sub. (3) (a) of their
16 option to make, or object to making, an anatomical gift.

17 **SECTION 12.** 157.06 (5) (b) 1. of the statutes is amended to read:

18 157.06 (5) (b) 1. If at or near the time of death of a patient there is no medical
19 record or evidence obtained under par. (c) that the patient has made, revoked or
20 refused to make an anatomical gift, the hospital administrator or a representative
21 designated by the administrator shall discuss with an available individual, under
22 the priority established in sub. (3) (a), the option to make or refuse to make an
23 anatomical gift and request, subject to sub. (6m), that the individual make an
24 anatomical gift of all or a part of the decedent's body. Alternatively, the administrator
25 shall contact by telephone the organ procurement organization designated for the

1 region of which the hospital is a part. If the administrator or representative contacts
2 the organ procurement organization, he or she shall provide the organ procurement
3 organization with the identifier number of the patient, the patient's age, the actual
4 or potential cause of the patient's death and, if available, the patient's medical
5 history.

6 **SECTION 13.** 157.06 (5) (b) 2. of the statutes is amended to read:

7 157.06 (5) (b) 2. If the organ procurement organization is contacted under subd.
8 1., the organ procurement organization shall, in consultation with the attending
9 physician of the patient under subd. 1., determine if an anatomical gift is suitable,
10 based upon accepted medical standards, for a purpose specified in sub. (6) (a). If the
11 organ procurement organization and the patient's attending physician determine
12 that an anatomical gift is not so suitable, hospital personnel shall make a notation
13 to this effect in the patient's medical record. If the organ procurement organization
14 and the patient's attending physician determine that an anatomical gift is so
15 suitable, an organ procurement organization representative or a requester
16 designated by the organ procurement organization shall discuss with an available
17 individual, under the priority established in sub. (3) (a), the option to make or refuse
18 to make an anatomical gift and request, subject to sub. (6m), that the individual
19 make an anatomical gift of all or a part of the decedent's body.

20 **SECTION 14.** 157.06 (6m) of the statutes is created to read:

21 157.06 (6m) CONSENT FOR CERTAIN USES OF BONES OR TISSUE; REQUIREMENTS. (a)
22 A hospital, organ procurement organization, tissue bank, coroner, or medical
23 examiner that provides a document of gift to a potential donor or to an individual
24 under sub. (3) (a) shall include in the document of gift the following ~~statements~~
25 understand that donated bones or tissues, including skin, may have numerous uses,

sentences

1 including for reconstructive and cosmetic purposes, and that multiple organizations,
 2 ~~including nonprofit corporations or for-profit corporations,~~ may facilitate the
 3 donations. I further understand that I may, by this document, limit the use of the
 4 bones or tissues, including skin, that are donated.”

sentence

5 (b) The document of gift under par. (a) shall include, following the 2nd required
 6 ~~statement specified~~ in par. (a), ~~all of the following:~~

7 ^a 1. A line or space for the donor or individual under sub. (3) (a) to sign or initial
 8 to acknowledge that he or she has read the ~~statements~~ specified in par. (a) or that the
 9 ~~statements~~ have been read aloud to him or her.

use 2x
sentences

10 2. A line or space for the donor or individual under sub. (3) (a) to sign or initial
 11 to limit the use of bones or tissues.

12 3. A line or space for the donor or individual under sub. (3) (a) to sign or initial
 13 to consent to the use of bones or tissues. Except as provided in sub. (3) (c) 2. c., failure

14 of the donor or individual to ^{not} initial, the space or to sign the signature line is a refusal
 15 to make an anatomical gift of bones or tissues.

Place his or her
or signature in the

or space

16 (c) If a potential donor or individual makes an anatomical gift under this
 17 subsection, the hospital, organ procurement organization, tissue bank, coroner, or
 18 medical examiner that provides to the donor or individual a document of gift under
 19 par. (a) shall also provide the donor or individual with the telephone number and
 20 address of the agency or organization that recovers the anatomical gift.

21 (d) The requester under par. (a) shall provide the donor or the individual under
 22 sub. (3) (a), as applicable, with a copy of any document of gift executed under the
 23 requirements of this subsection.

24 SECTION 15. 157.06 (10m) of the statutes is created to read:

1 157.06 (10m) PENALTY. Whoever fails to comply with the requirement to
2 provide ~~statements~~ ^{Sentences} under sub. (3) (c) 2. b. or sub. (6m) (a) may be subject to a
3 forfeiture of not less than \$500 nor more than \$1,000 for each violation.

4 **SECTION 16. Initial applicability.**

5 (1) This act first applies to requests for anatomical gifts that are made on the
6 effective date of this subsection.

7 **SECTION 17. Effective date.**

8 (1) This act takes effect on this first day of the 7th month beginning after
9 publication.

10

(END)

D-NOTE

Signing or initialling
an acknowledgement
of the sentences

D-NOTE
(date)

DAK:Imk:

To Erin Ruby?

for this redraft

¶ Your instructions consolidated s. 157.06

(6m) (b) so that now provides in effect?
consent to donate bones or tissues
or if the donor

does not initial or sign? refusal to

so donate? However? the sentences that

must be included in the document, amendment

under this substitute also refer to limiting

the donation? that option appears

to have been eliminated by the

consolidation. Did you anticipate

that the limitation would occur

somehow elsewhere in the

document? I'm sorry that I had

not noticed this by the time we

talked on Thursday?

DAK



**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0409/3dn
DAK:lmk:ch

December 23, 2005

To Erin Ruby:

Your instructions for this redraft consolidated s. 157.06 (6m) (b) so that signing or initialling an acknowledgement of the sentences now, in effect, provides consent to donate bones or tissues or, if the donor does not initial or sign, refusal to so donate. However, the sentences that must be included in the document, under this substitute amendment, also refer to limiting the donation; that option appears to have been eliminated by the consolidation. Did you anticipate that the limitation would occur somehow elsewhere in the document? I'm sorry that I had not noticed this by the time we talked on Thursday.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

Kennedy, Debora

From: Ruby, Erin
Sent: Friday, December 23, 2005 9:35 AM
To: Kennedy, Debora
Subject: LRB s0409

Debora,

Just to clarify a few things from your drafter's notes.

Signing or initialing as acknowledgement of the statement does not eliminate the need for the donor or consenting individual to sign the document of gift to allow donation. All current steps must continue to be done. This language would, however, add the layer of protection for donors and donor families that if there is not acknowledgement of the statement we're adding, only donation of tissue is refused. This means that requestors have to make every effort to make sure these folks are explicitly exposed to the statement we are proposing.

I believe you're correct about the elimination of the space to specify donation limitations. We still need to have language that provides for a space on the document to specify the limitations.

I'm trying to get this amendment ready for a possible exec on Jan. 11th. I still need to get it in it's finalized form to stakeholders. Office staff indicated that you would be back in the office on Tuesday. I will be out of town for part of the day, but please do not hesitate to give me a call on my cell phone 608-279-3073 if you have any questions. Also, if you wouldn't mind giving me a ring when the new draft is completed, I would really appreciate it. I hadn't planned on being in the office next week, but I do want to get this to stakeholders ASAP.

Thank you so very much for all of your help on this!

Hope you had a Merry Christmas!

Erin

*Erin Ruby
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Clerk, Assembly Committee on Agriculture
Office of State Representative Al Ott
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ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2005 ASSEMBLY BILL 659

Beggs

V+

1 AN ACT *to renumber and amend* 157.06 (3) (c) 2.; *to amend* 157.06 (1) (c),
2 157.06 (3) (c) 1., 157.06 (4) (am) 2., 157.06 (5) (b) 1. and 157.06 (5) (b) 2.; and *to*
3 *create* 157.06 (1) (km), 157.06 (3) (c) 2. a., 157.06 (3) (c) 2. b., 157.06 (3) (c) 2.
4 c., 157.06 (6m) and 157.06 (10m) of the statutes; **relating to:** consent for the
5 uses of certain anatomical gifts and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a donation may be made of all or part of a human's body (an anatomical gift), to take effect at death. The following persons may make an anatomical gift:

1. The donor, by executing a document of gift that is signed by the donor or by another individual and two witnesses in the presence of the donor, that is specified on a driver's license or identification card that is issued by the Department of Transportation, or that is specified under a will.

2. The spouse, close relative, guardian, or health care agent of the donor after the donor's death (unless the decedent has made an unrevoked refusal to consent to making an anatomical gift), by executing a signed document of gift or by making a telegraphic, recorded telephonic or other recorded message, or other form of communication to another that is reduced to writing and signed by the recipient when received.

Substitute amendment

and to limit the use of bones or tissues

3. A coroner or medical examiner, upon request from a hospital, physician, or organ procurement organization, under limited circumstances.

This ~~bill~~ requires that a hospital, organ procurement organization, tissue bank (as defined in the bill), coroner, or medical examiner that requests an anatomical gift from a potential donor or a spouse, close relative, guardian, or health care agent of a deceased potential donor provide in the document of gift two sentences concerning the potential uses of donated bones or tissues by multiple organizations and the fact that limitations on those uses may be specified in a document of gift. The document of gift must also include lines or spaces for the donor or the spouse, close relative, guardian, or health care agent to acknowledge reading the sentences or having them read to him or her. If the donor, spouse, close relative, guardian, or health care agent makes an anatomical gift, the requesting hospital, organ procurement organization, tissue bank, coroner, or medical examiner must provide the telephone number and address of the agency or organization that recovers the anatomical gift. If a hospital, organ procurement organization, tissue bank, coroner, or medical examiner is requesting an anatomical gift from the spouse, close relative, guardian, or health care agent by means of a telephonic or other recorded message, the requestor must inform the spouse, relative, guardian, or agent that the conversation is recorded and that a transcript or recorded copy is available on request; must read the sentences concerning potential uses of donated bones or tissues and limitations on those uses; and must note on the document of gift the acknowledgement of the sentences. If the donor or the spouse, close relative, guardian, or health care agent fails, in the document of gift, to initial or sign the acknowledgement, consent to make an anatomical gift of bones or tissues is refused. The hospital, organ procurement organization, tissue bank, coroner, or medical examiner who obtains an executed document of gift must provide a copy of the document to the donor or other person who executed it.

*442x
Substitute amendment*

Under the ~~bill~~, failure to comply with the requirement to provide the sentences concerning the potential uses of donated bones or tissues and limitations on those uses may be subject to a forfeiture of not less than \$500 nor more than \$1,000 for each violation.

The ~~bill~~ eliminates the use of a telegraphic message to make a document of gift.

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

- 1 SECTION 1. 157.06 (1) (c) of the statutes is amended to read:
- 2 157.06 (1) (c) "Document of gift" means a card, a statement attached to or
- 3 imprinted on a license under s. 343.175 (2) or on an identification card under s.
- 4 343.50 (3), a will, or another writing, including a writing under sub. (3) (c) 2., that
- 5 is used to make an anatomical gift.

1 **SECTION 2.** 157.06 (1) (km) of the statutes is created to read:

2 157.06 (1) (km) “Tissue bank” means a corporation that recovers, processes, or
3 distributes tissue for transplantation into humans.

4 **SECTION 3.** 157.06 (3) (c) 1. of the statutes is amended to read:

5 157.06 (3) (c) 1. Executing Subject to sub. (6m), if applicable, executing a
6 document of gift that is signed by the individual.

7 **SECTION 4.** 157.06 (3) (c) 2. of the statutes is renumbered 157.06 (3) (c) 2. (intro.)
8 and amended to read:

9 157.06 (3) (c) 2. (intro.) Making a telegraphic, Subject to sub. (6m), if applicable,
10 making a recorded telephonic or other recorded message, or other form of
11 communication, to another that is reduced to writing and signed by the recipient at
12 the time it is received. In the instance of a recorded message in which a hospital,
13 organ procurement organization, tissue bank, coroner, or medical examiner is
14 requesting an anatomical gift, the hospital, organ procurement organization, tissue
15 bank, coroner, or medical examiner shall do all of the following:

16 **SECTION 5.** 157.06 (3) (c) 2. a. of the statutes is created to read:

17 157.06 (3) (c) 2. a. Inform the individual that the conversation is recorded and
18 that a transcript or recorded copy of the conversation is available upon request and,
19 if requested, provide such a transcript or copy.

20 **SECTION 6.** 157.06 (3) (c) 2. b. of the statutes is created to read:

21 157.06 (3) (c) 2. b. Read aloud to the individual the sentences required under
22 sub. (6m) (a).

23 **SECTION 7.** 157.06 (3) (c) 2. c. of the statutes is created to read:

1 157.06 (3) (c) 2. c. Note on the request form the individual's response to the
2 requirements under sub. (6m) (b). If the procedure under this subdivision is followed,
3 the individual's signature or initials, as specified in sub. (6m) (b), are not required.

4 **SECTION 8.** 157.06 (4) (am) 2. of the statutes is amended to read:

5 157.06 (4) (am) 2. The official has made a reasonable effort, taking into account
6 the useful life of the part of the body, to locate and examine the decedent's medical
7 records and, subject to sub. (6m), inform individuals listed in sub. (3) (a) of their
8 option to make, or object to making, an anatomical gift.

9 **SECTION 9.** 157.06 (5) (b) 1. of the statutes is amended to read:

10 157.06 (5) (b) 1. If at or near the time of death of a patient there is no medical
11 record or evidence obtained under par. (c) that the patient has made, revoked or
12 refused to make an anatomical gift, the hospital administrator or a representative
13 designated by the administrator shall discuss with an available individual, under
14 the priority established in sub. (3) (a), the option to make or refuse to make an
15 anatomical gift and request, subject to sub. (6m), that the individual make an
16 anatomical gift of all or a part of the decedent's body. Alternatively, the administrator
17 shall contact by telephone the organ procurement organization designated for the
18 region of which the hospital is a part. If the administrator or representative contacts
19 the organ procurement organization, he or she shall provide the organ procurement
20 organization with the identifier number of the patient, the patient's age, the actual
21 or potential cause of the patient's death and, if available, the patient's medical
22 history.

23 **SECTION 10.** 157.06 (5) (b) 2. of the statutes is amended to read:

24 157.06 (5) (b) 2. If the organ procurement organization is contacted under subd.
25 1., the organ procurement organization shall, in consultation with the attending

1 physician of the patient under subd. 1., determine if an anatomical gift is suitable,
 2 based upon accepted medical standards, for a purpose specified in sub. (6) (a). If the
 3 organ procurement organization and the patient's attending physician determine
 4 that an anatomical gift is not so suitable, hospital personnel shall make a notation
 5 to this effect in the patient's medical record. If the organ procurement organization
 6 and the patient's attending physician determine that an anatomical gift is so
 7 suitable, an organ procurement organization representative or a requester
 8 designated by the organ procurement organization shall discuss with an available
 9 individual, under the priority established in sub. (3) (a), the option to make or refuse
 10 to make an anatomical gift and request, subject to sub. (6m), that the individual
 11 make an anatomical gift of all or a part of the decedent's body.

12 SECTION 11. 157.06 (6m) of the statutes is created to read:

13 157.06 (6m) CONSENT FOR CERTAIN USES OF BONES OR TISSUE; REQUIREMENTS. (a)

14 A hospital, organ procurement organization, tissue bank, coroner, or medical
 15 examiner that provides a document of gift to a potential donor or to an individual
 16 under sub. (3) (a) shall include in the document of gift the following sentences: "I
 17 understand that donated bones or tissues, including skin, may have numerous uses,
 18 including for reconstructive and cosmetic purposes, and that multiple organizations
 19 may facilitate the donations. I further understand that I may, by this document,
 20 limit the use of the bones or tissues, including skin, that are donated."

21 (b) The document of gift under par. (a) shall include, following the 2nd sentence
 22 required in par. (a), a line or space for the donor or individual under sub. (3) (a) to sign
 23 or initial to acknowledge that he or she has read the sentences specified in par. (a)
 24 or that the sentences have been read aloud to him or her. Except as provided in sub.

all of the following
 #1.

1 (3) (c) 2. c., failure of the donor or individual to place his or her initials or signature
2 in the line or space is a refusal to make an anatomical gift of bones or tissues.

INSERT 6-2

3 (c) If a potential donor or individual makes an anatomical gift under this
4 subsection, the hospital, organ procurement organization, tissue bank, coroner, or
5 medical examiner that provides to the donor or individual a document of gift under
6 par. (a) shall also provide the donor or individual with the telephone number and
7 address of the agency or organization that recovers the anatomical gift.

8 (d) The requester under par. (a) shall provide the donor or the individual under
9 sub. (3) (a), as applicable, with a copy of any document of gift executed under the
10 requirements of this subsection.

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

12 157.06 (10m) PENALTY. Whoever fails to comply with the requirement to
13 provide sentences under sub. (3) (c) 2. b. or sub. (6m) (a) may be subject to a forfeiture
14 of not less than \$500 nor more than \$1,000 for each violation.

15 **SECTION 13. Initial applicability.**

16 (1) This act first applies to requests for anatomical gifts that are made on the
17 effective date of this subsection.

18 **SECTION 14. Effective date.**

19 (1) This act takes effect on this first day of the 7th month beginning after
20 publication.

21 (END)

2. A line or space for the donor or individual under sub. (3)(a) to sign or initial and specify a limitation, if any, on the use of bones or tissues.

Kennedy, Debora

From: Ruby, Erin
Sent: Tuesday, January 03, 2006 3:27 PM
To: Kennedy, Debora
Subject: Another Round of Changes to LRBs0409/4

Importance: High

Debora,

First, in our meeting this afternoon we resolved the recording issue. The tissue bank rep. could only think of maybe a fax as what might be considered an "other form of communication."

We would request the following additional changes:

- ✓ Page 3, line 20 & 21: Remove the words "transcript or" on both lines. We want to keep the recorded copy and the ability to request a recorded copy, but remove the transcript provision.
- Page 4, line 1: Replace the first sentence of this paragraph with the following - "Note on the request form that the individual had been read the sentences required under sub. (6m) (a) and any limitations that the individual imposes under sum. (6m) (a). (Dick Sweet thought that the term "response" as originally drafted could perhaps be too broad.)
(b) ? - DS. use: on use of bones or tissues or on types of organiz.
- Page 5, line 19: Insert "(non-profit and/or for-profit)" following "organizations". No need to define these terms in the bill.
- ✓ Page 5, line 21: After the word "donated", please add "or types of organizations that facilitate the donation."

I hate to do this, but this request is a rush. As I explained last week we are trying to get this ready for an exec early next week and still need to get feedback from additional stakeholders, but want to send them as close to a final product as possible.

Please contact me or Dick Sweet with any questions.

Thank you!

Erin

Erin Ruby
Research Assistant
Clerk, Assembly Committee on Agriculture
Office of State Representative Al Ott
608.266.5831
erin.ruby@legis.state.wi.us

DAK promised by ~~DS~~. Thurs.



↑
stays

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2005 ASSEMBLY BILL 659

Reben ✓

1 AN ACT to renumber and amend 157.06 (3) (c) 2.; to amend 157.06 (1) (c),
2 157.06 (3) (c) 1., 157.06 (4) (am) 2., 157.06 (5) (b) 1. and 157.06 (5) (b) 2.; and to
3 create 157.06 (1) (km), 157.06 (3) (c) 2. a., 157.06 (3) (c) 2. b., 157.06 (3) (c) 2.
4 c., 157.06 (6m) and 157.06 (10m) of the statutes; relating to: consent for the
5 uses of certain anatomical gifts and providing a penalty.

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Under current law, a donation may be made of all or part of a human's body (an anatomical gift), to take effect at death. The following persons may make an anatomical gift:

1. The donor, by executing a document of gift that is signed by the donor or by another individual and two witnesses in the presence of the donor, that is specified on a driver's license or identification card that is issued by the Department of Transportation, or that is specified under a will.
2. The spouse, close relative, guardian, or health care agent of the donor after the donor's death (unless the decedent has made an unrevoked refusal to consent to making an anatomical gift), by executing a signed document of gift or by making a telegraphic, recorded telephonic or other recorded message, or other form of communication to another that is reduced to writing and signed by the recipient when received.

or limitations on the types of organizations that facilitate the donation

3. A coroner or medical examiner, upon request from a hospital, physician, or organ procurement organization, under limited circumstances.

This substitute amendment requires that a hospital, organ procurement organization, tissue bank (as defined in the bill), coroner, or medical examiner that requests an anatomical gift from a potential donor or a spouse, close relative, guardian, or health care agent of a deceased potential donor provide in the document of gift two sentences concerning the potential uses of donated bones or tissues by multiple organizations and the fact that limitations on those uses may be specified in a document of gift. The document of gift must also include lines or spaces for the donor or the spouse, close relative, guardian, or health care agent to acknowledge reading the sentences or having them read to him or her, and to limit the use of bones or tissues. If the donor, spouse, close relative, guardian, or health care agent makes an anatomical gift, the requesting hospital, organ procurement organization, tissue bank, coroner, or medical examiner must provide the telephone number and address of the agency or organization that recovers the anatomical gift. If a hospital, organ procurement organization, tissue bank, coroner, or medical examiner is requesting an anatomical gift from the spouse, close relative, guardian, or health care agent by means of a telephonic or other recorded message, the requestor must inform the spouse, relative, guardian, or agent that the conversation is recorded and that a ~~transcript~~ recorded copy is available on request; must read the sentences concerning potential uses of donated bones or tissues and limitations on those uses; and must note on the document of gift the acknowledgement of the sentences. If the donor or the spouse, close relative, guardian, or health care agent fails, in the document of gift, to initial or sign the acknowledgement, consent to make an anatomical gift of bones or tissues is refused. The hospital, organ procurement organization, tissue bank, coroner, or medical examiner who obtains an executed document of gift must provide a copy of the document to the donor or other person who executed it.

Under the substitute amendment, failure to comply with the requirement to provide the sentences concerning the potential uses of donated bones or tissues and limitations on those uses may be subject to a forfeiture of not less than \$500 nor more than \$1,000 for each violation.

The substitute amendment eliminates the use of a telegraphic message to make a document of gift.

or to limit the types of organizations that facilitate the donations

or on the types of organizations that facilitate the donation

by multiple organizations

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

- 1 **SECTION 1.** 157.06 (1) (c) of the statutes is amended to read:
- 2 157.06 (1) (c) "Document of gift" means a card, a statement attached to or
- 3 imprinted on a license under s. 343.175 (2) or on an identification card under s.

including nonprofit and for-profit organizations

1 343.50 (3), a will, or another writing, including a writing under sub. (3) (c) 2., that
2 is used to make an anatomical gift.

3 SECTION 2. 157.06 (1) (km) of the statutes is created to read:

4 157.06 (1) (km) "Tissue bank" means a corporation that recovers, processes, or
5 distributes tissue for transplantation into humans.

6 SECTION 3. 157.06 (3) (c) 1. of the statutes is amended to read:

7 157.06 (3) (c) 1. ~~Executing Subject~~ to sub. (6m), if applicable, executing a
8 document of gift that is signed by the individual.

9 SECTION 4. 157.06 (3) (c) 2. of the statutes is renumbered 157.06 (3) (c) 2. (intro.)
10 and amended to read:

11 157.06 (3) (c) 2. (intro.) ~~Making a telegraphic,~~ Subject to sub. (6m), if applicable,
12 making a recorded telephonic or other recorded message, or other form of
13 communication, to another that is reduced to writing and signed by the recipient at
14 the time it is received. In the instance of a recorded message in which a hospital,
15 organ procurement organization, tissue bank, coroner, or medical examiner is
16 requesting an anatomical gift, the hospital, organ procurement organization, tissue
17 bank, coroner, or medical examiner shall do all of the following:

18 SECTION 5. 157.06 (3) (c) 2. a. of the statutes is created to read:

19 157.06 (3) (c) 2. a. Inform the individual that the conversation is recorded and
20 that a ~~transcript or~~ recorded copy of the conversation is available upon request and,
21 if requested, provide such a ~~transcript or~~ copy.

22 SECTION 6. 157.06 (3) (c) 2. b. of the statutes is created to read:

23 157.06 (3) (c) 2. b. Read aloud to the individual the sentences required under
24 sub. (6m) (a).

25 SECTION 7. 157.06 (3) (c) 2. c. of the statutes is created to read:

note

that the individual has been read the sentences required under sub. (6m) (a) and any limitations that the individual imposes

1 157.06 (3) (c) 2. c. Note on the request form ~~the individual's response to the~~

2 ~~requirements under sub. (6m) (b)~~. If the procedure under this subdivision is followed,
3 the individual's signature or initials, as specified in sub. (6m) (b), are not required.

4 SECTION 8. 157.06 (4) (am) 2. of the statutes is amended to read:

5 157.06 (4) (am) 2. The official has made a reasonable effort, taking into account
6 the useful life of the part of the body, to locate and examine the decedent's medical
7 records and, subject to sub. (6m), inform individuals listed in sub. (3) (a) of their
8 option to make, or object to making, an anatomical gift.

9 SECTION 9. 157.06 (5) (b) 1. of the statutes is amended to read:

10 157.06 (5) (b) 1. If at or near the time of death of a patient there is no medical
11 record or evidence obtained under par. (c) that the patient has made, revoked or
12 refused to make an anatomical gift, the hospital administrator or a representative
13 designated by the administrator shall discuss with an available individual, under
14 the priority established in sub. (3) (a), the option to make or refuse to make an
15 anatomical gift and request, subject to sub. (6m), that the individual make an
16 anatomical gift of all or a part of the decedent's body. Alternatively, the administrator
17 shall contact by telephone the organ procurement organization designated for the
18 region of which the hospital is a part. If the administrator or representative contacts
19 the organ procurement organization, he or she shall provide the organ procurement
20 organization with the identifier number of the patient, the patient's age, the actual
21 or potential cause of the patient's death and, if available, the patient's medical
22 history.

23 SECTION 10. 157.06 (5) (b) 2. of the statutes is amended to read:

24 157.06 (5) (b) 2. If the organ procurement organization is contacted under subd.
25 1., the organ procurement organization shall, in consultation with the attending

on the use of the bones or tissues or the types of organizations that facilitate the donation

1 physician of the patient under subd. 1., determine if an anatomical gift is suitable,
 2 based upon accepted medical standards, for a purpose specified in sub. (6) (a). If the
 3 organ procurement organization and the patient's attending physician determine
 4 that an anatomical gift is not so suitable, hospital personnel shall make a notation
 5 to this effect in the patient's medical record. If the organ procurement organization
 6 and the patient's attending physician determine that an anatomical gift is so
 7 suitable, an organ procurement organization representative or a requester
 8 designated by the organ procurement organization shall discuss with an available
 9 individual, under the priority established in sub. (3) (a), the option to make or refuse
 10 to make an anatomical gift and request, subject to sub. (6m), that the individual
 11 make an anatomical gift of all or a part of the decedent's body.

12 **SECTION 11.** 157.06 (6m) of the statutes is created to read:

13 **157.06 (6m) CONSENT FOR OR LIMITATION ON CERTAIN USES OF BONES OR TISSUE;**
 14 **REQUIREMENTS.** (a) A hospital, organ procurement organization, tissue bank, coroner,
 15 or medical examiner that provides a document of gift to a potential donor or to an
 16 individual under sub. (3) (a) shall include in the document of gift the following
 17 sentences: "I understand that donated bones or tissues, including skin, may have
 18 numerous uses, including for reconstructive and cosmetic purposes, and that
 19 multiple organizations may facilitate the donations. I further understand that I
 20 may, by this document, limit the use of the bones or tissues, including skin, that are
 21 donated." *or types of organizations that facilitate the donation*

22 (b) The document of gift under par. (a) shall include, following the 2nd sentence
 23 required in par. (a), all of the following:

24 1. A line or space for the donor or individual under sub. (3) (a) to sign or initial
 25 to acknowledge that he or she has read the sentences specified in par. (a) or that the

including nonprofit and for-profit organizations,

1 sentences have been read aloud to him or her. Except as provided in sub. (3) (c) 2.
2 c., failure of the donor or individual to place his or her initials or signature in the line
3 or space is a refusal to make an anatomical gift of bones or tissues.

4 2. A line or space for the donor or individual under sub. (3) (a) to sign or initial
5 and specify a limitation, if any, on the use of bones or tissues.

6 (c) If a potential donor or individual makes an anatomical gift under this *or on the types of*
7 subsection, the hospital, organ procurement organization, tissue bank, coroner, or *organizations that*
8 medical examiner that provides to the donor or individual a document of gift under *facilitate the*
9 par. (a) shall also provide the donor or individual with the telephone number and *donation*
10 address of the agency or organization that recovers the anatomical gift.

11 (d) The requester under par. (a) shall provide the donor or the individual under
12 sub. (3) (a), as applicable, with a copy of any document of gift executed under the
13 requirements of this subsection.

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

15 157.06 (10m) PENALTY. Whoever fails to comply with the requirement to
16 provide sentences under sub. (3) (c) 2. b. or sub. (6m) (a) may be subject to a forfeiture
17 of not less than \$500 nor more than \$1,000 for each violation.

18 **SECTION 13. Initial applicability.**

19 (1) This act first applies to requests for anatomical gifts that are made on the
20 effective date of this subsection.

21 **SECTION 14. Effective date.**

22 (1) This act takes effect on this first day of the 7th month beginning after
23 publication.

24 (END)

Barman, Mike

From: Ruby, Erin
Sent: Wednesday, January 04, 2006 12:36 PM
To: Barman, Mike
Subject: RE: Amendment Jacket - LRBs0409

You guys are wonderful!!

Yes, I will have the jacket sent over ASAP.

Thank you!

Erin

From: Barman, Mike
Sent: Wednesday, January 04, 2006 12:34 PM
To: Rep.Ott
Cc: Ruby, Erin
Subject: Amendmet Jacket - LRBs0409

We have LRBs0409/5 ready to go for you.

Could you please return the Sub's jacket to us (from the "/4" version) so we can send you the new "/5" version.

Please call if you have any questions. Thanks

Mike Barman (Senior Program Assistant)
State of Wisconsin - Legislative Reference Bureau
Legal Section - Front Office
1 East Main Street, Suite 200
Madison, WI 53703
(608) 266-3561 / mike.barman@legis.state.wi.us

Kennedy, Debora

From: Ruby, Erin
Sent: Thursday, January 12, 2006 11:33 AM
To: Kennedy, Debora
Cc: Sweet, Richard
Subject: LRB s0409/5 Changes

Debora,

Please find following part of the changes to the substitute amendment I discussed with you earlier. The other part will be forthcoming shortly.

Pg. 5, line 25: replace "facilitate" with "be involved in the recovery, processing and distribution of" ^{or?}

Pg 6, line 2: replace "facilitate" with "involved in the recovery, processing and distribution of".

We also need to add a non-statutory provision directing DHFS to study and report to the Legislature on the creation of a uniform consent form. Dick Sweet is putting together some language on that. I will get it to you as soon as I receive it from him.

Let me know if you have any questions.

Thank you so very much!

Erin

*Erin Ruby
Research Assistant
Clerk, Assembly Committee on Agriculture
Office of State Representative Al Ott
608.266.5831
erin.ruby@legis.state.wi.us*

→ p. 6, l. 12

Kennedy, Debora

From: Ruby, Erin
Sent: Thursday, January 12, 2006 11:37 AM
To: Kennedy, Debora
Cc: Sweet, Richard
Subject: FW: LRBs0409/5 (tissue donations)

Debora,

Here's the additional language from Dick (#2).

On the first point, his language may be better than what I gave you in my previous email. If you agree, go ahead and use Dick's version.

Thanks again!

Erin

From: Sweet, Richard
Sent: Thursday, January 12, 2006 11:33 AM
To: Ruby, Erin
Subject: LRBs0409/5 (tissue donations)

Erin,

The 2 changes in the sub. am. that were discussed at this morning's meetings are as follows:

1. Page 5, line 25 and page 6, line 2: delete "facilitate" and substitute "recover, process, or distribute".
2. Page 6, line 24: after that line insert a nonstatutory provision requiring DHFS to study the need for a uniform consent form for use by requesters under s. 157.06(6m). DHFS would be required to consult with hospitals, tissue banks, and OPOs in conducting the study. DHFS would be required to submit a report to the Legislature by January 1, 2007.

Dick Sweet

Richard Sweet
Senior Staff Attorney
Wisconsin Legislative Council
(608)266-2982
richard.sweet@legis.state.wi.us

*From Erin 1/12: See also p. 4, l. 7 + p. 6, l. 12
for change; report to be to standing committee
of legis.*



LRBs0409/SL
DAK:lmk:ch
↑
stays

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2005 ASSEMBLY BILL 659

Reisen

1 AN ACT to renumber and amend 157.06 (3) (c) 2.; to amend 157.06 (1) (c),
2 157.06 (3) (c) 1., 157.06 (4) (am) 2., 157.06 (5) (b) 1. and 157.06 (5) (b) 2.; and to
3 create 157.06 (1) (km), 157.06 (3) (c) 2. a., 157.06 (3) (c) 2. b., 157.06 (3) (c) 2.
4 c., 157.06 (6m) and 157.06 (10m) of the statutes; relating to: consent for the
5 uses of certain anatomical gifts and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a donation may be made of all or part of a human's body (an anatomical gift), to take effect at death. The following persons may make an anatomical gift:

1. The donor, by executing a document of gift that is signed by the donor or by another individual and two witnesses in the presence of the donor, that is specified on a driver's license or identification card that is issued by the Department of Transportation, or that is specified under a will.
2. The spouse, close relative, guardian, or health care agent of the donor after the donor's death (unless the decedent has made an unrevoked refusal to consent to making an anatomical gift), by executing a signed document of gift or by making a telegraphic, recorded telephonic or other recorded message, or other form of communication to another that is reduced to writing and signed by the recipient when received.

individuals

an individual

Use 3x

~~Use 3x~~

recovers, process, or distribute

individual

3. A coroner or medical examiner, upon request from a hospital, physician, or organ procurement organization, under limited circumstances.

This substitute amendment requires that a hospital, organ procurement organization, tissue bank (as defined in the bill), coroner, or medical examiner that requests an anatomical gift from a ~~potential donor~~ ^{survivor} or a spouse, close relative, guardian, or health care agent of a deceased ~~potential donor~~ provide in the document of gift two sentences concerning the potential uses of donated bones or tissues by multiple organizations, including nonprofit and for-profit organizations, and the fact that limitations on those uses or limitations on the types of organizations that ~~facilitate~~ the donation may be specified in a document of gift. The document of gift must also include lines or spaces for the donor or the spouse, close relative, guardian, or health care agent to acknowledge reading the sentences or having them read to him or her, and to limit the use of bones or tissues or to limit the types of organizations that ~~facilitate~~ the donations. If the donor, spouse, close relative, guardian, or health care agent makes an anatomical gift, the requesting hospital, organ procurement organization, tissue bank, coroner, or medical examiner must provide the telephone number and address of the agency or organization that recovers the anatomical gift. If a hospital, organ procurement organization, tissue bank, coroner, or medical examiner is requesting an anatomical gift from the spouse, close relative, guardian, or health care agent by means of a telephonic or other recorded message, the requestor must inform the spouse, relative, guardian, or agent that the conversation is recorded and that a recorded copy is available on request; must read the sentences concerning potential uses of donated bones or tissues by multiple organizations and limitations on those uses or on the types of organizations that ~~facilitate~~ the donation; and must note on the document of gift the acknowledgement of the sentences. If the donor or the spouse, close relative, guardian, or health care agent fails, in the document of gift, to initial or sign the acknowledgement, consent to make an anatomical gift of bones or tissues is refused. The hospital, organ procurement organization, tissue bank, coroner, or medical examiner who obtains an executed document of gift must provide a copy of the document to the donor or other person who executed it.

INSERT ANAL

Under the substitute amendment, failure to comply with the requirement to provide the sentences concerning the potential uses of donated bones or tissues and limitations on those uses may be subject to a forfeiture of not less than \$500 nor more than \$1,000 for each violation.

The substitute amendment eliminates the use of a telegraphic message to make a document of gift.

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

1 SECTION 1. 157.06 (1) (c) of the statutes is amended to read:

1 157.06 (1) (c) “Document of gift” means a card, a statement attached to or
2 imprinted on a license under s. 343.175 (2) or on an identification card under s.
3 343.50 (3), a will, or another writing, including a writing under sub. (3) (c) 2., that
4 is used to make an anatomical gift.

5 **SECTION 2.** 157.06 (1) (km) of the statutes is created to read:

6 157.06 (1) (km) “Tissue bank” means a corporation that recovers, processes, or
7 distributes tissue for transplantation into humans.

8 **SECTION 3.** 157.06 (3) (c) 1. of the statutes is amended to read:

9 157.06 (3) (c) 1. ~~Executing~~ Subject to sub. (6m), if applicable, executing a
10 document of gift that is signed by the individual.

11 **SECTION 4.** 157.06 (3) (c) 2. of the statutes is renumbered 157.06 (3) (c) 2. (intro.)
12 and amended to read:

13 157.06 (3) (c) 2. (intro.) ~~Making a telegraphic,~~ Subject to sub. (6m), if applicable,
14 making a recorded telephonic or other recorded message, or other form of
15 communication, to another that is reduced to writing and signed by the recipient at
16 the time it is received. In the instance of a recorded message in which a hospital,
17 organ procurement organization, tissue bank, coroner, or medical examiner is
18 requesting an anatomical gift, the hospital, organ procurement organization, tissue
19 bank, coroner, or medical examiner shall do all of the following:

20 **SECTION 5.** 157.06 (3) (c) 2. a. of the statutes is created to read:

21 157.06 (3) (c) 2. a. Inform the individual that the conversation is recorded and
22 that a recorded copy of the conversation is available upon request and, if requested,
23 provide such a copy.

24 **SECTION 6.** 157.06 (3) (c) 2. b. of the statutes is created to read:

1 157.06 (3) (c) 2. b. Read aloud to the individual the sentences required under
2 sub. (6m) (a).

recover; process; or distribute

3 **SECTION 7.** 157.06 (3) (c) 2. c. of the statutes is created to read:

4 157.06 (3) (c) 2. c. Note on the request form that the individual has been read
5 the sentences required under sub. (6m) (a) and note any limitations that the
6 individual imposes on the use of the bones or tissues or the types of organizations
7 that ~~facilitate~~ the donation. If the procedure under this subdivision is followed, the
8 individual's signature or initials, as specified in sub. (6m) (b), are not required.

9 **SECTION 8.** 157.06 (4) (am) 2. of the statutes is amended to read:

10 157.06 (4) (am) 2. The official has made a reasonable effort, taking into account
11 the useful life of the part of the body, to locate and examine the decedent's medical
12 records and, subject to sub. (6m), inform individuals listed in sub. (3) (a) of their
13 option to make, or object to making, an anatomical gift.

14 **SECTION 9.** 157.06 (5) (b) 1. of the statutes is amended to read:

15 157.06 (5) (b) 1. If at or near the time of death of a patient there is no medical
16 record or evidence obtained under par. (c) that the patient has made, revoked or
17 refused to make an anatomical gift, the hospital administrator or a representative
18 designated by the administrator shall discuss with an available individual, under
19 the priority established in sub. (3) (a), the option to make or refuse to make an
20 anatomical gift and request, subject to sub. (6m), that the individual make an
21 anatomical gift of all or a part of the decedent's body. Alternatively, the administrator
22 shall contact by telephone the organ procurement organization designated for the
23 region of which the hospital is a part. If the administrator or representative contacts
24 the organ procurement organization, he or she shall provide the organ procurement
25 organization with the identifier number of the patient, the patient's age, the actual

1 or potential cause of the patient's death and, if available, the patient's medical
2 history.

3 **SECTION 10.** 157.06 (5) (b) 2. of the statutes is amended to read:

4 157.06 (5) (b) 2. If the organ procurement organization is contacted under subd.
5 1., the organ procurement organization shall, in consultation with the attending
6 physician of the patient under subd. 1., determine if an anatomical gift is suitable,
7 based upon accepted medical standards, for a purpose specified in sub. (6) (a). If the
8 organ procurement organization and the patient's attending physician determine
9 that an anatomical gift is not so suitable, hospital personnel shall make a notation
10 to this effect in the patient's medical record. If the organ procurement organization
11 and the patient's attending physician determine that an anatomical gift is so
12 suitable, an organ procurement organization representative or a requester
13 designated by the organ procurement organization shall discuss with an available
14 individual, under the priority established in sub. (3) (a), the option to make or refuse
15 to make an anatomical gift and request, subject to sub. (6m), that the individual
16 make an anatomical gift of all or a part of the decedent's body.

17 **SECTION 11.** 157.06 (6m) of the statutes is created to read:

18 157.06 (6m) CONSENT FOR OR LIMITATION ON CERTAIN USES OF BONES OR TISSUE;
19 REQUIREMENTS. (a) A hospital, organ procurement organization, tissue bank, coroner,
20 or medical examiner that provides a document of gift to a potential donor or to an
21 individual under sub. (3) (a) shall include in the document of gift the following
22 sentences: "I understand that donated bones or tissues, including skin, may have
23 numerous uses, including for reconstructive and cosmetic purposes, and that
24 multiple organizations, including nonprofit and for-profit organizations, may
25 ~~facilitate~~ the donations. I further understand that I may, by this document, limit the

recover, process, or distribute

1 use of the bones or tissues, including skin, that are donated or types of organizations
2 that ~~facilitate~~ the donation." recover ↑ process, or distribute

3 (b) The document of gift under par. (a) shall include, following the 2nd sentence
4 required in par. (a), all of the following:

5 1. A line or space for the donor or individual under sub. (3) (a) to sign or initial
6 to acknowledge that he or she has read the sentences specified in par. (a) or that the
7 sentences have been read aloud to him or her. Except as provided in sub. (3) (c) 2.
8 c., failure of the donor or individual to place his or her initials or signature in the line
9 or space is a refusal to make an anatomical gift of bones or tissues.

10 2. A line or space for the donor or individual under sub. (3) (a) to sign or initial
11 and specify a limitation, if any, on the use of bones or tissues or on the types of
12 organizations that ~~facilitate~~ the donation. recover ↑ process ↑ or distribute

13 (c) If a potential donor or individual makes an anatomical gift under this
14 subsection, the hospital, organ procurement organization, tissue bank, coroner, or
15 medical examiner that provides to the donor or individual a document of gift under
16 par. (a) shall also provide the donor or individual with the telephone number and
17 address of the agency or organization that recovers the anatomical gift.

18 (d) The requester under par. (a) shall provide the donor or the individual under
19 sub. (3) (a), as applicable, with a copy of any document of gift executed under the
20 requirements of this subsection.

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

22 157.06 (10m) PENALTY. Whoever fails to comply with the requirement to
23 provide sentences under sub. (3) (c) 2. b. or sub. (6m) (a) may be subject to a forfeiture
24 of not less than \$500 nor more than \$1,000 for each violation.

25 **SECTION 13. Initial applicability.**

INSERT 6-24

INSERT ANAL

no #
The substitute amendment requires that, by January 1, 2007, the Department of Health and Family Services study and report to the legislature concerning the need for a uniform document of gift form specifically for hospitals, organ procurement organizations, tissue banks, coroners, and medical examiners to provide, under these circumstances, to potential donors or spouses, close relatives, guardians, or health care agents of deceased individuals.

INSERT 6-24

SECTION 1. Nonstatutory provisions.

(1) STUDY ON DOCUMENT OF GIFT FORM. The department of health and family services shall study and, by January 1, 2007, report to the legislature in the manner provided under section 13.172 (3) of the statutes concerning the need for a uniform document of gift form specifically for hospitals, organ procurement organizations, tissue banks, coroners, or medical examiners to provide to potential anatomical gift donors or other individuals under section 157.06 (6m) of the statutes. In conducting the study, the department of health and family services shall consult with hospitals, organ procurement organizations, tissue banks, coroners, and medical examiners.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs0409/6

DAK:lmk:jf

keep
16
↑
stays

ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2005 ASSEMBLY BILL 659

1 **AN ACT** *to renumber and amend* 157.06 (3) (c) 2.; *to amend* 157.06 (1) (c),
2 157.06 (3) (c) 1., 157.06 (4) (am) 2., 157.06 (5) (b) 1. and 157.06 (5) (b) 2.; and *to*
3 **create** 157.06 (1) (km), 157.06 (3) (c) 2. a., 157.06 (3) (c) 2. b., 157.06 (3) (c) 2.
4 c., 157.06 (6m) and 157.06 (10m) of the statutes; **relating to:** consent for the
5 uses of certain anatomical gifts and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a donation may be made of all or part of a human's body (an anatomical gift), to take effect at death. The following persons may make an anatomical gift:

1. The donor, by executing a document of gift that is signed by the donor or by another individual and two witnesses in the presence of the donor, that is specified on a driver's license or identification card that is issued by the Department of Transportation, or that is specified under a will.

2. The spouse, close relative, guardian, or health care agent of an individual after the individual's death (unless the decedent has made an unrevoked refusal to consent to making an anatomical gift), by executing a signed document of gift or by making a telegraphic, recorded telephonic or other recorded message, or other form of communication to another that is reduced to writing and signed by the recipient when received.

3. A coroner or medical examiner, upon request from a hospital, physician, or organ procurement organization, under limited circumstances.

This substitute amendment requires that a hospital, organ procurement organization, tissue bank (as defined in the bill), coroner, or medical examiner that requests an anatomical gift from an individual or a spouse, close relative, guardian, or health care agent of a deceased individual provide in the document of gift two sentences concerning the potential uses of donated bones or tissues by multiple organizations, including nonprofit and for-profit organizations, and the fact that limitations on those uses or limitations on the types of organizations that recover, process, or distribute the donation may be specified in a document of gift. The document of gift must also include lines or spaces for the donor or the spouse, close relative, guardian, or health care agent to acknowledge reading the sentences or having them read to him or her, and to limit the use of bones or tissues or to limit the types of organizations that recover, process, or distribute the donations. If the donor, spouse, close relative, guardian, or health care agent makes an anatomical gift, the requesting hospital, organ procurement organization, tissue bank, coroner, or medical examiner must provide the telephone number and address of the agency or organization that recovers the anatomical gift. If a hospital, organ procurement organization, tissue bank, coroner, or medical examiner is requesting an anatomical gift from the spouse, close relative, guardian, or health care agent by means of a telephonic or other recorded message, the requestor must inform the spouse, relative, guardian, or agent that the conversation is recorded and that a recorded copy is available on request; must read the sentences concerning potential uses of donated bones or tissues by multiple organizations and limitations on those uses or on the types of organizations that recover, process, or distribute the donation; and must note on the document of gift the acknowledgement of the sentences. If the donor or the spouse, close relative, guardian, or health care agent fails, in the document of gift, to initial or sign the acknowledgement, consent to make an anatomical gift of bones or tissues is refused. The hospital, organ procurement organization, tissue bank, coroner, or medical examiner who obtains an executed document of gift must provide a copy of the document to the donor or other person who executed it. The substitute amendment requires that, by January 1, 2007, the Department of Health and Family Services study and report to the legislature concerning the need for a uniform document of gift form specifically for hospitals, organ procurement organizations, tissue banks, coroners, and medical examiners to provide, under these circumstances, to potential donors or spouses, close relatives, guardians, or health care agents of deceased individuals.

Under the substitute amendment, failure to comply with the requirement to provide the sentences concerning the potential uses of donated bones or tissues and limitations on those uses may be subject to a forfeiture of not less than \$500 nor more than \$1,000 for each violation.

potential donor