



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Senate Bill 310

Senate Amendment 1

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Senate Bill 310 repeals and recreates Wisconsin's statutes that relate to anatomical gifts. The bill is based on the Revised Uniform Anatomical Gift Act of 2006, which was developed by the National Conference of Commissioners on Uniform State Laws.

Senate Amendment 1 makes the following changes to the bill:

- The amendment deletes from the bill the changes in the Wisconsin statute that relates to sale of human organs. Therefore, the amendment retains current law on this issue.
- The amendment modifies the definition of "anatomical gift" in the bill, which states that an anatomical gift is a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education. The amendment modifies this definition by stating that death is to be determined in accordance with s. 146.71, Stats., which is the current statute specifying how death is determined.
- The amendment deletes the sentence in the bill that states that if a person has actual knowledge that an anatomical gift was made on a record of gift, the person is deemed to have actual knowledge of any amendment or revocation of the anatomical gift or any refusal to make an anatomical gift that is recorded on the same record or gift.
- The amendment modifies the provision in the bill that requires hospitals to ensure that requests of family members of potential donors are "...made with discretion and sensibility with respect to the circumstances, views, and beliefs of the families of potential donors." The amendment modifies this by stating that hospitals are required to ensure that hospital personnel who make such requests are required to do so. The amendment adds the same requirement for organ procurement organization (OPO) personnel.

- The amendment modifies the initial applicability provision of the bill to state that the bill first applies to the procurement or distribution of a body part that is removed on the effective date of the bill.

Legislative History

The Senate Committee on Health, Human Services, Insurance, and Job Creation recommended adoption of Senate Amendment 1 on a vote of Ayes, 7; Noes, 0; and passage of the bill as amended on a vote of Ayes, 6; Noes, 1.

RNS:jal:ksm