

Report From Agency

RULEMAKING REPORT TO LEGISLATURE

CLEARINGHOUSE RULE CR 23-036

Ch. DHS 137, relating to the Wisconsin donor registry for anatomical gifts.

Basis and Purpose of Proposed Rule

The proposed changes to Chapter DHS 137 would lower the age requirement for those who may make a record of anatomical gift in the Wisconsin Donor Registry. Consistent with statutory language when the rule was last amended in 2010, the current rule provides that when you apply for a driver's permit at 15 ½, you may add your name to the Wisconsin donor registry. 2021 Wis. Act 64 amended s. 343.07 (1g) to lower the age for a driver's permit from 15 ½ to 15 years, and 2021 Wis. Act 220 similarly amended s. 157.06 (4) (a) to lower the age requirement for making an anatomical gift to 15 years, with a parent or guardian able to revoke that decision for anyone under 18 years old. The proposed rule will make Chapter DHS 137 consistent with statutes by replacing all references to 15 ½ years of age in the rule with 15 years of age.

No viable alternatives exist to rulemaking. Without the proposed revisions to Chapter DHS 137, administrative rules regarding the Wisconsin donor registry will not be consistent with Wisconsin Statutes.

Department Response to Legislative Council Rules Clearinghouse Recommendations

Legislative Council did not have any recommendations for the Department on the proposed rule order, so no changes were necessary.

Final Regulatory Flexibility Analysis

The issues raised by each small business during the public hearing(s).

No issues were raised by any small businesses at the public hearing or during the public commenting period.

Any changes in the rule as a result of an alternative suggested by a small business and the reasons for rejecting any of those alternatives.

Not applicable – no issues were raised by small businesses during the public hearing and comment period.

The nature of any reports and estimated cost of their preparation by small businesses that must comply with the rule.

No reports or estimated costs were prepared because the proposed rule will not have an economic impact on small businesses.

The nature and estimated costs of other measures and investments that will be required by small businesses in complying with the rule.

Not applicable - the proposed rules will not have an economic impact on small businesses

The reason for including or not including in the proposed rule any of the following methods for reducing the rule's impact on small businesses, including additional cost, if any, to the department for administering or enforcing a rule which includes methods for reducing the rule's impact on small businesses and the impact on public health, safety and welfare, if any, caused by including methods in rules

None of these methods were contemplated because the proposed rule will not have an impact on small businesses.

Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis

Analysis

No changes were made to the rule's analysis.

Fiscal Estimate/Economic Impact Analysis

No changes were made to the rule's fiscal estimate/economic impact analysis.

Public Hearing Summary

The department began accepting public comments on the proposed rule via the Wisconsin Legislature Administrative Rules website, and through the Department's Administrative Rules Website on October 2, 2023. A public hearing was held on October 12, 2023 at 12:00 pm to 1:00 pm virtually, in Zoom. Public comments on the proposed rule were

accepted until end of business October 12, 2023. No persons attended the public hearing or submitted comments on the proposed rule.

List of the persons who appeared or registered for or against the Proposed Rule at the Public Hearing.

| Registrant | Position Taken (Support or Opposed) |
|---|---|
| No person appeared or registered for or against the proposed rule at the public hearing | N/A |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Summary of Items Submitted with this Report to the Legislature

Below is a checklist of the items that are attached to or included in this report to the legislature under s. 227.19 (3), Stats.

| Documents/Information | Included in Report | Attached | Not Applicable |
|---|--------------------|----------|----------------|
| Final proposed rule -- Rule Summary and Rule Text | | x | |
| Department response to Rules Clearinghouse recommendations | x | | |
| Final Regulatory Flexibility Analysis | x | | |
| Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis | | | x |
| Public Hearing Summary | x | | |
| List of Public Hearing Attendees and Commenters | x | | |
| Summary of Public Comments and Department Responses | x | | |
| Fiscal Estimate/Economic Impact Analysis | | x | |
| Revised Fiscal Estimate/Economic Impact Analysis | | | x |
| Small Business Regulatory Review Board (SBRRB) statement, suggested changes, or other material, and reports made under s. 227.14 (2g), Stats. and Department's response | | | x |
| Department of Administration (DOA) report under s. 227.115 (2), Stats., on rules affecting housing | | | x |
| DOA report under s. 227.137 (6), Stats., on rules with economic impact of \$20 MM or more | | | x |
| Public Safety Commission (PSC) energy impact report under s. 227.117 (2), Stats. and the Department's response, including a description of changes made to the rule | | | x |

