



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1914/1
EHS:skw

2021 ASSEMBLY BILL 578

September 22, 2021 - Introduced by Representatives THIESFELDT, KNODL, L. MYERS, BALDEH, MOSES, ROZAR, SKOWRONSKI, SINICKI, SPREITZER and TUSLER, cosponsored by Senators FEYEN, L. TAYLOR, COWLES, AGARD, BALLWEG, CARPENTER and ROYS. Referred to Committee on Sporting Heritage.

1 **AN ACT** *to amend* 20.370 (9) (ma), 157.06 (2) (t), 157.06 (5) (c) and 157.06 (20);
2 and *to create* 29.024 (5) (f), 29.024 (12), 157.06 (2) (bm), 157.06 (2) (jm), 157.06
3 (5) (a) 1m. and 343.175 (1v) of the statutes; **relating to:** electing to be a donor
4 of an anatomical gift when applying for a hunting, fishing, or trapping license
5 and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Natural Resources to provide a method by which a resident of this state who is 15 and one-half years of age or older, or an emancipated minor, who applies for a hunting, fishing, or trapping license may elect to include his or her name as a donor of an anatomical gift in the record of potential donors maintained by the Department of Transportation (donor registry) and to so indicate on a printed license, a conservation card, or a donor card. The bill requires DNR to transmit information about applicants who elect to be included in the donor registry to DOT, and requires DOT to record donor authorizations received from DNR in the donor registry even if the person does not have an operator's license or identification card issued by DOT. Under current law, DOT must maintain those records and disclose them to an eye bank, organ procurement organization, or tissue bank under certain circumstances.

Under the bill, this method for electing to be a donor is similar to the method by which a person may, under current law, elect to be a donor in an application to DOT for an operator's license or identification card. However, under current law, a person

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applying for an operator's license or identification card who elects to be a donor must also indicate that election in the space provided on the license or card. Under this bill, electing to be a donor on an application to DNR for a hunting, fishing, or trapping license is sufficient to authorize a gift; the applicant may, but is not required to, indicate that election in the space that the bill requires to be provided on a license or conservation card. In addition, current law is more specific about how an anatomical gift may be described in the space provided on a driver's license or identification card than this bill is about an anatomical gift on a DNR license or conservation card. The bill also does not include provisions similar to those under current law that allow a person to refuse to be a donor of an anatomical gift by so indicating on the space provided on a driver's license or identification card and to revoke or amend an anatomical gift by crossing out the donor authorization. In addition, the bill does not require a space to be designated where an organ donor sticker may be affixed as current law requires on a driver's license or identification card.

Under current law, DOT is required to cooperate with the Department of Health Services in establishing a donor registry. This bill requires DNR to also cooperate with DHS for this purpose.

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.** 20.370 (9) (ma) of the statutes is amended to read:

2 20.370 (9) (ma) *General program operations — state funds.* From the general
3 fund, the amounts in the schedule for communications, customer services, aids
4 administration, watershed management, and environmental analysis and
5 sustainability, and the collection and administration of anatomical gift donor
6 information under s. 29.024 (12).

7 **SECTION 2.** 29.024 (5) (f) of the statutes is created to read:

8 29.024 (5) (f) *Anatomical gift.* The form for an application for a hunting,
9 fishing, or trapping license shall include all of the following:

10 1. A question as to whether the applicant wishes to include his or her name as
11 a donor of an anatomical gift in the record of potential donors maintained by the

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1 department of transportation and, if so, a space where the applicant must provide
2 his or her middle initial.

3 2. A statement that an affirmative response to the question under subd. 1.
4 authorizes an anatomical gift under s. 157.06, but that an applicant may also comply
5 with s. 29.024 (12).

6 3. A method by which the applicant may elect to receive a donor card that is
7 separate from any license.

8 4. A statement that the applicant is not required to respond to the question
9 under subd. 1. in order to obtain a license.

10 5. A statement that the purpose of maintaining the record of potential donors
11 is to facilitate the determination of whether a person is a potential donor in the event
12 of his or her death.

13 6. A statement that the applicant must be a resident who is at least 15 and
14 one-half years of age or an emancipated minor to include his or her name as a donor
15 of an anatomical gift in the record of potential donors maintained by the department
16 of transportation.

17 **SECTION 3.** 29.024 (12) of the statutes is created to read:

18 29.024 (12) DONOR INFORMATION. (a) *Department to transmit information.* If
19 a resident applicant answers the question regarding anatomical gifts in an
20 application under sub. (5) (f) 1. in the affirmative, the department shall transmit to
21 the department of transportation that authorization along with any other
22 information about the applicant that the department of health services determines
23 to be necessary under s. 157.06 (20).

24 (b) *Record of gift.* 1. If an applicant has indicated in an application under sub.
25 (5) (f) that he or she wishes to include his or her name as a donor of an anatomical

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1 gift, the department shall include on the applicant's hunting, fishing, or trapping
2 license, so that it is clearly visible if printed, a space for the applicant to indicate that
3 he or she wishes to be a donor of an anatomical gift. The anatomical gift described
4 on the printed license shall be signed by the applicant. This printed and signed
5 document shall serve as a record of gift under s. 157.06 (2) (t).

6 2. A part of the reverse side of each conservation card under s. 23.47 (2) shall
7 be printed to serve as a record of gift under s. 157.06 (2) (t), with space for the card
8 holder to indicate that he or she wishes to be a donor of an anatomical gift. The
9 anatomical gift described on the conservation card shall be signed by the holder of
10 the conservation card.

11 3. The department shall produce a separate, pocket-sized donor card to be
12 issued to each applicant who requests one under sub. (5) (f) 3. The document shall
13 include a space for the applicant to fill in his or her name and indicate that he or she
14 wishes to be a donor of an anatomical gift. The anatomical gift described on the donor
15 card shall be signed by the applicant. This document shall serve as a record of gift
16 under s. 157.06 (2) (t).

17 4. Persons authorizing gifts of their body parts remain subject to s. 157.06.

18 **SECTION 4.** 157.06 (2) (bm) of the statutes is created to read:

19 157.06 (2) (bm) "Conservation card" means a conservation card issued by the
20 department of natural resources under s. 23.47 (2).

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

22 157.06 (2) (jm) "Hunting, fishing, or trapping license" means a hunting,
23 fishing, or trapping license issued by the department of natural resources under ch.
24 29.

25 **SECTION 6.** 157.06 (2) (t) of the statutes is amended to read:

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1 157.06 (2) (t) “Record of gift” means a donor card or other record used to make
2 an anatomical gift, including a statement or symbol on a driver’s license ~~or~~,
3 identification card, conservation card, or printed hunting, fishing, or trapping
4 license or in a donor registry.

5 **SECTION 7.** 157.06 (5) (a) 1m. of the statutes is created to read:

6 157.06 (5) (a) 1m. Affixing to, or authorizing a person to imprint on, the donor’s
7 conservation card or printed hunting, fishing, or trapping license a statement or
8 symbol that indicates that the donor has made an anatomical gift.

9 **SECTION 8.** 157.06 (5) (c) of the statutes is amended to read:

10 157.06 (5) (c) The revocation, suspension, expiration, or cancellation of a
11 driver’s license ~~or~~, identification card, or hunting, fishing, or trapping license on
12 which an anatomical gift has been made does not invalidate the anatomical gift.

13 **SECTION 9.** 157.06 (20) of the statutes is amended to read:

14 157.06 (20) DONOR REGISTRY. The department of health services may establish
15 a donor registry. If the department of health services establishes a donor registry
16 under this subsection, the department of transportation and department of natural
17 resources shall cooperate with the department of health services in establishing the
18 donor registry. The department of health services shall promulgate administrative
19 rules governing any donor registry established under this subsection.

20 **SECTION 10.** 343.175 (1v) of the statutes is created to read:

21 343.175 (1v) DEPARTMENT TO RECORD INFORMATION RECEIVED FROM DEPARTMENT
22 OF NATURAL RESOURCES. The department shall record a donor authorization received
23 under s. 29.024 (12) (a) in its file of the person. If no file exists, the department shall
24 create a file for that person. The department shall maintain, disclose, and remove
25 this information in the same manner required with respect to other information in

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SECTION 10

1 its record of potential donors under this section and ss. 157.06, 343.14 (6) and (7), and
2 343.50 (4m).

3 (END)