

Regular Session, 2014

HOUSE BILL NO. 427

BY REPRESENTATIVE BADON

HEALTH/ANATOMICAL GIFTS: Requires a hospital to provide information regarding organ or tissue donation

1 AN ACT

2 To enact R.S. 40:2115.1, relative to anatomical gifts; to require a hospital to provide
3 information regarding organ or tissue donation; to provide for an exception; to
4 require the adoption of a written policy and procedure; to authorize the use of
5 available resources for cost containment; to provide for rulemaking authority; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:2115.1 is hereby enacted to read as follows:

9 §2115.1. Organ or tissue donation

10 A. When death is imminent or has occurred in a hospital to a person
11 determined to be a suitable candidate for organ or tissue donation, based on accepted
12 medical standards, the hospital administrator or designated representative shall
13 provide the person authorized to make an anatomical gift pursuant to R.S. 17:2354.3
14 with information regarding organ or tissue donation.

15 B. No hospital shall be required to comply with the provisions of Subsection
16 A of this Section if the hospital administrator or designated representative has actual
17 notice of a contrary intention by the decedent or those persons authorized to make
18 an anatomical gift pursuant to R.S. 17:2354.3, or reason to believe that an anatomical
19 gift is contrary to the decedent's religious beliefs.

1 C. Every hospital licensed to operate in the state shall adopt a written policy
2 and procedure for providing the information regarding organ or tissue donation
3 pursuant to Subsection A of this Section.

4 D. The department shall make available materials regarding organ and tissue
5 donation to each hospital subject to the provisions of this Section. In developing the
6 materials required by this Subsection, the department may utilize any available
7 resources for the purposes of minimizing costs to the department.

8 E. The department may adopt, in accordance with the Administrative
9 Procedure Act, any rules and regulations necessary to implement this Section.

10 F. For the purposes of this Section, "department" means the Department of
11 Health and Hospitals.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Badon

HB No. 427

Abstract: Requires a hospital to provide information regarding organ or tissue donation when death is imminent or has occurred to a person determined to be a suitable candidate for organ or tissue donation.

Proposed law requires a hospital administrator or designated representative, when death is imminent or has occurred in a hospital to a person determined to be a suitable candidate for organ or tissue donation, based on accepted medical standards, to provide the person authorized to make an anatomical gift with information regarding organ or tissue donation.

Proposed law provides an exception for when the hospital administrator has actual notice of a contrary intention by the decedent or those persons authorized to make an anatomical gift, or reason to believe that an anatomical gift is contrary to the decedent's religious beliefs.

Proposed law requires every hospital licensed to operate in the state to adopt a written policy and procedure for providing the information regarding organ or tissue donation.

Proposed law requires the Dept. of Health and Hospitals (DHH) to make available materials regarding organ and tissue donation to each hospital subject to the provisions of proposed law and authorizes DHH to utilize any available resources for the purposes of minimizing costs to the department.

Proposed law authorizes DHH to adopt, in accordance with the Administrative Procedure Act, any rules and regulations necessary to implement proposed law.

(Adds R.S. 40:2115.1)