

ORGAN DONATION CHECKOFF

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Karen Hale

This act enacts provisions authorizing a voluntary checkoff for motor vehicle registrations and driver license applications and renewals for the purpose of promoting and supporting organ donation. The act creates the Organ Donation Contribution Fund. The act modifies the duties of the Department of Health to include administration of the fund. The act provides an effective date. This act provides a coordination clause.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

26-1-30, as last amended by Chapters 53 and 325, Laws of Utah 2001

ENACTS:

26-18b-101, Utah Code Annotated 1953

41-1a-230.5, Utah Code Annotated 1953

53-3-214.7, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-1-30** is amended to read:

26-1-30. Powers and duties of department.

(1) The department shall:

(a) enter into cooperative agreements with the Department of Environmental Quality to delineate specific responsibilities to assure that assessment and management of risk to human health from the environment are properly administered; and

(b) consult with the Department of Environmental Quality and enter into cooperative agreements, as needed, to ensure efficient use of resources and effective response to potential health and safety threats from the environment, and to prevent gaps in protection from potential risks from the environment to specific individuals or population groups.

(2) In addition to all other powers and duties of the department, it shall have and exercise the following powers and duties:

- (a) promote and protect the health and wellness of the people within the state;
- (b) establish, maintain, and enforce rules necessary or desirable to carry out the provisions and purposes of this title to promote and protect the public health or to prevent disease and illness;
- (c) investigate and control the causes of epidemic, infectious, communicable, and other diseases affecting the public health;
- (d) provide for the detection, reporting, prevention, and control of communicable, infectious, acute, chronic, or any other disease or health hazard that the department considers to be dangerous, important, or likely to affect the public health;
- (e) collect and report information on causes of injury, sickness, death, and disability and the risk factors that contribute to the causes of injury, sickness, death, and disability within the state;
- (f) collect, prepare, publish, and disseminate information to inform the public concerning the health and wellness of the population, specific hazards, and risks that may affect the health and wellness of the population and specific activities which may promote and protect the health and wellness of the population;
- (g) establish and operate programs necessary or desirable for the promotion or protection of the public health and the control of disease or which may be necessary to ameliorate the major causes of injury, sickness, death, and disability in the state, except that the programs shall not be established if adequate programs exist in the private sector;
- (h) establish, maintain, and enforce isolation and quarantine, and for this purpose only, exercise physical control over property and individuals as the department finds necessary for the protection of the public health;
- (i) close theaters, schools, and other public places and forbid gatherings of people when necessary to protect the public health;
- (j) abate nuisances when necessary to eliminate sources of filth and infectious and communicable diseases affecting the public health;
- (k) make necessary sanitary and health investigations and inspections in cooperation with local health departments as to any matters affecting the public health;
- (l) establish laboratory services necessary to support public health programs and medical

services in the state;

(m) establish and enforce standards for laboratory services which are provided by any laboratory in the state when the purpose of the services is to protect the public health;

(n) cooperate with the Labor Commission to conduct studies of occupational health hazards and occupational diseases arising in and out of employment in industry, and make recommendations for elimination or reduction of the hazards;

(o) cooperate with the local health departments, the Department of Corrections, the Administrative Office of the Courts, the Division of Youth Corrections, and the Crime Victims Reparations Board to conduct testing for HIV infection of convicted sexual offenders and any victims of a sexual offense;

(p) investigate the cause of maternal and infant mortality;

(q) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians and drivers of motor vehicles killed in highway accidents be examined for the presence and concentration of alcohol;

(r) provide the commissioner of public safety with monthly statistics reflecting the results of the examinations provided for in Subsection (2)(q) and provide safeguards so that information derived from the examinations is not used for a purpose other than the compilation of statistics authorized in this Subsection (2)(r);

(s) establish qualifications for individuals permitted to draw blood pursuant to Section 41-6-44.10, and to issue permits to individuals it finds qualified, which permits may be terminated or revoked by the department;

(t) establish a uniform public health program throughout the state which includes continuous service, employment of qualified employees, and a basic program of disease control, vital and health statistics, sanitation, public health nursing, and other preventive health programs necessary or desirable for the protection of public health;

(u) adopt rules and enforce minimum sanitary standards for the operation and maintenance of:

(i) orphanages;

- (ii) boarding homes;
- (iii) summer camps for children;
- (iv) lodging houses;
- (v) hotels;
- (vi) restaurants and all other places where food is handled for commercial purposes, sold, or served to the public;
- (vii) tourist and trailer camps;
- (viii) service stations;
- (ix) public conveyances and stations;
- (x) public and private schools;
- (xi) factories;
- (xii) private sanatoria;
- (xiii) barber shops;
- (xiv) beauty shops;
- (xv) physicians' offices;
- (xvi) dentists' offices;
- (xvii) workshops;
- (xviii) industrial, labor, or construction camps;
- (xix) recreational resorts and camps;
- (xx) swimming pools, public baths, and bathing beaches;
- (xxi) state, county, or municipal institutions, including hospitals and other buildings, centers, and places used for public gatherings; and
- (xxii) of any other facilities in public buildings and on public grounds;
- (v) conduct health planning for the state;
- (w) monitor the costs of health care in the state and foster price competition in the health care delivery system;
- (x) adopt rules for the licensure of health facilities within the state pursuant to Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act; ~~and~~

(y) license the provision of child care[-]; and

(z) accept contributions to and administer the funds contained in the Organ Donation Contribution Fund created in Section 26-18b-101.

Section 2. Section **26-18b-101** is enacted to read:

CHAPTER 18b. ORGAN DONATION CONTRIBUTION FUND

26-18b-101. Organ Donation Contribution Fund created.

(1) (a) There is created a special revenue fund known as the Organ Donation Contribution Fund.

(b) The Organ Donation Contribution Fund shall consist of:

(i) private contributions;

(ii) donations or grants from public or private entities;

(iii) voluntary donations collected under Sections 41-1a-230.5 and 53-3-214.7; and

(iv) interest and earnings on fund monies.

(c) The cost of administering the Organ Donation Contribution Fund shall be paid from monies in the fund.

(2) The Department of Health shall:

(a) administer the funds deposited in the Organ Donation Contribution Fund;

(b) select qualified organizations and distribute the funds in the Organ Donation Contribution Fund in accordance with Subsection (3); and

(c) make an annual report on the fund to the Health and Human Services Appropriations Subcommittee.

(3) (a) The funds in the Organ Donation Contribution Fund may be distributed to a selected organization that:

(i) promotes and supports organ donation;

(ii) assists in maintaining and operating a statewide organ donation registry; and

(iii) provides donor awareness education.

(b) An organization that meets the criteria of Subsections (3)(a)(i) through (iii) may apply to the Department of Health, in a manner prescribed by the department, to receive a portion of the

monies contained in the Organ Donation Contribution Fund.

Section 3. Section **41-1a-230.5** is enacted to read:

41-1a-230.5. Registration checkoff for promoting and supporting organ donation.

(1) A person who applies for a motor vehicle registration or registration renewal may designate a voluntary contribution of \$2 for the purpose of promoting and supporting organ donation.

(2) This contribution shall be:

(a) collected by the division;

(b) treated as a voluntary contribution to the Organ Donation Contribution Fund created in Section 26-18b-101 and not as a motor vehicle registration fee; and

(c) transferred to the Organ Donation Contribution Fund created in Section 26-18b-101 at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Section 4. Section **53-3-214.7** is enacted to read:

53-3-214.7. License checkoff for promoting and supporting organ donation.

(1) A person who applies for a license or license renewal may designate a voluntary contribution of \$2 for the purpose of promoting and supporting organ donation.

(2) This contribution shall be:

(a) collected by the division;

(b) treated as a voluntary contribution to the Organ Donation Contribution Fund created in Section 26-18b-101 and not as a license fee; and

(c) transferred to the Organ Donation Contribution Fund created in Section 26-18b-101 at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

Section 5. **Effective date.**

This act takes effect on July 1, 2002.

Section 6. **Coordination clause.**

If this bill and H.B. 264, Funds Consolidation, Budget Procedures and Fund Reclassification Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and

General Counsel, in preparing the Utah Code database for publication, shall amend Section 26-18b-101 by inserting, after "created a", the word "restricted" in Subsection(1)(a).