

**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 Account. The act modifies the duties of the Department of Health to include administration of the account. The act provides an effective date.**

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.



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

30           (a) promote and protect the health and wellness of the people within the state;

31           (b) establish, maintain, and enforce rules necessary or desirable to carry out the provisions  
32 and purposes of this title to promote and protect the public health or to prevent disease and illness;

33           (c) investigate and control the causes of epidemic, infectious, communicable, and other  
34 diseases affecting the public health;

35           (d) provide for the detection, reporting, prevention, and control of communicable,  
36 infectious, acute, chronic, or any other disease or health hazard that the department considers to  
37 be dangerous, important, or likely to affect the public health;

38           (e) collect and report information on causes of injury, sickness, death, and disability and  
39 the risk factors that contribute to the causes of injury, sickness, death, and disability within the  
40 state;

41           (f) collect, prepare, publish, and disseminate information to inform the public concerning  
42 the health and wellness of the population, specific hazards, and risks that may affect the health and  
43 wellness of the population and specific activities which may promote and protect the health and  
44 wellness of the population;

45           (g) establish and operate programs necessary or desirable for the promotion or protection  
46 of the public health and the control of disease or which may be necessary to ameliorate the major  
47 causes of injury, sickness, death, and disability in the state, except that the programs shall not be  
48 established if adequate programs exist in the private sector;

49           (h) establish, maintain, and enforce isolation and quarantine, and for this purpose only,  
50 exercise physical control over property and individuals as the department finds necessary for the  
51 protection of the public health;

52           (i) close theaters, schools, and other public places and forbid gatherings of people when  
53 necessary to protect the public health;

54           (j) abate nuisances when necessary to eliminate sources of filth and infectious and  
55 communicable diseases affecting the public health;

56           (k) make necessary sanitary and health investigations and inspections in cooperation with  
57 local health departments as to any matters affecting the public health;

58           (l) establish laboratory services necessary to support public health programs and medical

59 services in the state;

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

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

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

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

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

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

77 (s) establish qualifications for individuals permitted to draw blood pursuant to Section  
78 41-6-44.10, and to issue permits to individuals it finds qualified, which permits may be terminated  
79 or revoked by the department;

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

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

86 (i) orphanages;

87 (ii) boarding homes;

88 (iii) summer camps for children;

89 (iv) lodging houses;

- 90 (v) hotels;
- 91 (vi) restaurants and all other places where food is handled for commercial purposes, sold,
- 92 or served to the public;
- 93 (vii) tourist and trailer camps;
- 94 (viii) service stations;
- 95 (ix) public conveyances and stations;
- 96 (x) public and private schools;
- 97 (xi) factories;
- 98 (xii) private sanatoria;
- 99 (xiii) barber shops;
- 100 (xiv) beauty shops;
- 101 (xv) physicians' offices;
- 102 (xvi) dentists' offices;
- 103 (xvii) workshops;
- 104 (xviii) industrial, labor, or construction camps;
- 105 (xix) recreational resorts and camps;
- 106 (xx) swimming pools, public baths, and bathing beaches;
- 107 (xxi) state, county, or municipal institutions, including hospitals and other buildings,
- 108 centers, and places used for public gatherings; and
- 109 (xxii) of any other facilities in public buildings and on public grounds;
- 110 (v) conduct health planning for the state;
- 111 (w) monitor the costs of health care in the state and foster price competition in the health
- 112 care delivery system;
- 113 (x) adopt rules for the licensure of health facilities within the state pursuant to Title 26,
- 114 Chapter 21, Health Care Facility Licensing and Inspection Act; ~~and~~
- 115 (y) license the provision of child care[-]; and
- 116 (z) accept contributions to and administer the funds contained in the Organ Donation
- 117 Contribution Account created in Section 26-18b-101.

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

**CHAPTER 18b. ORGAN DONATION CONTRIBUTION ACCOUNT**

**26-18b-101. Organ Donation Contribution Account created.**

121 (1) (a) There is created a restricted account within the General Fund known as the Organ  
122 Donation Contribution Account.

123 (b) The Organ Donation Contribution Account shall consist of:

124 (i) private contributions;

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

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

127 (iv) interest and earnings on account monies.

128 (c) The cost of administering the Organ Donation Contribution Account shall be paid from  
129 monies in the account.

130 (2) The Department of Health shall:

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

132 (b) select qualified organizations and distribute the funds in the Organ Donation

133 Contribution Account in accordance with Subsection (3); and

134 (c) make an annual report on the account to the Health and Human Services

135 Appropriations Subcommittee.

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

138 (i) promotes and supports organ donation;

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

140 (iii) provides donor awareness education.

141 (b) An organization that meets the criteria of Subsections (3)(a)(i) through (iii) may apply  
142 to the Department of Health, in a manner prescribed by the department, to receive a portion of the  
143 monies contained in the Organ Donation Contribution Account.

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

145 **41-1a-230.5. Registration checkoff for promoting and supporting organ donation.**

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

149 (2) This contribution shall be:

150 (a) collected by the division;

151 (b) treated as a voluntary contribution to the Organ Donation Contribution Account created

152 in Section 26-18b-101 and not as a motor vehicle registration fee; and  
153 (c) transferred to the Organ Donation Contribution Account created in Section 26-18b-101  
154 at least monthly, less actual administrative costs associated with collecting and transferring the  
155 contributions.

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

157 **53-3-214.7. License checkoff for promoting and supporting organ donation.**

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

160 (2) This contribution shall be:

161 (a) collected by the division;

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

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

167 Section 5. **Effective date.**

168 This act takes effect on July 1, 2002.

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**Legislative Review Note**  
**as of 11-14-01 5:38 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**Committee Note**

The Transportation Interim Committee recommended this bill.