

HB0349S02 compared with HB0349S01

{Omitted text} shows text that was in HB0349S01 but was omitted in HB0349S02
inserted text shows text that was not in HB0349S01 but was inserted into HB0349S02

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Organ Donation Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Owens

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses public awareness of organ donation and opportunities for individuals to register as organ donors.

Highlighted Provisions:

This bill:

requires or encourages information about the option and process to register as an organ donor, to be provided in connection with or in certain circumstances related to:

- ~~{ a license, permit, or certificate of registration to be used for hunting, fishing, trapping, seining, or dealing in furs; }~~

- the Division of Wildlife Resources' website;

- intake at a health care facility;

- driver education;

- a preneed funeral arrangement contract;

- individual income tax { ~~booklets;~~ } instructions booklets and the State Tax Commission's website; and

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- 15 • procurement contracts; {and}
- 16 • {health care directives;}
- 17 ▶ {requires the Division of Wildlife Resources to provide an online form by which an
individual can register as an organ donor;}
- 19 ▶ designates the third full week of April as Organ Donor Awareness Week; and
- 20 ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

21 None

22 None

AMENDS:

27 ~~{23A-4-202, as renumbered and amended by Laws of Utah 2023, Chapter 103, as
renumbered and amended by Laws of Utah 2023, Chapter 103}~~

26 **53B-1-111**, as last amended by Laws of Utah 2023, Chapter 328, as last amended by Laws of Utah
2023, Chapter 328

27 **53G-10-502**, as last amended by Laws of Utah 2021, Chapter 247, as last amended by Laws of
Utah 2021, Chapter 247

28 **58-9-701**, as last amended by Laws of Utah 2012, Chapter 30, as last amended by Laws of Utah
2012, Chapter 30

29 **59-10-103.1**, as last amended by Laws of Utah 2022, Chapter 258, as last amended by Laws of
Utah 2022, Chapter 258

30 **63G-1-401**, as last amended by Laws of Utah 2024, Chapter 377, as last amended by Laws of Utah
2024, Chapter 377

33 ~~{75A-3-207, as renumbered and amended by Laws of Utah 2024, Chapter 364, as
renumbered and amended by Laws of Utah 2024, Chapter 364}~~

ENACTS:

32 **23A-1-207**, Utah Code Annotated 1953, Utah Code Annotated 1953

33 **26B-2-244, Utah Code Annotated 1953, Utah Code Annotated 1953**

34 **63G-6a-122**, Utah Code Annotated 1953, Utah Code Annotated 1953

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

37 Section 1. Section **1** is enacted to read:

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23A-1-207. Organ donation.

(1) As used in this section:

(a) "Donor" means the same as that term is defined in Section 26B-8-301.

(b) "Donor registry" means the same as that term is defined in Section 26B-8-301.

(2) On the division's website, the division shall provide:

(a) ~~{ provide }~~ information about the option to register as a donor~~{ , as that term is defined in Section 26B-8-301 }~~ ; and

(b) ~~{ provide }~~ a link to a website for a ~~{ form by which }~~ donor registry where an individual can ~~{ elect to register as a donor and provide the information necessary to }~~ register as a donor.

~~{ (3) { The division shall submit information submitted through the form described in Subsection (2)(b) to a donor registry established under Section 26B-8-319. } }~~

~~{ Section 2. Section 23A-4-202 is amended to read: }~~

23A-4-202. License, permit, and certificate forms prescribed by Wildlife Board.

(1)

(a) ~~[The]~~ Subject to Subsection (1)(b), the Wildlife Board shall prescribe the form of a license, permit, or certificate of registration to be used for hunting, fishing, trapping, seining, and dealing in furs.

(b) The Wildlife Board shall require that a license, permit, or certificate of registration to be used for hunting, fishing, trapping, seining, or dealing in furs include, on the license, permit, or certification or in paper-based or electronic materials that are provided contemporaneously with the license, permit, or certification, information about the option to register as a donor, as that term is defined in Section 26B-8-301, and instructions for accessing a donor registry established under Section 26B-8-319.

(2) A license, permit, or certificate of registration may be paper-based or in electronic format pursuant to the rules made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(3) A license issued pursuant to Section 23A-4-305 shall be designated as such by a code number and may not contain a reference to the licensee's disability.

Section 2. Section 2 is enacted to read:

26B-2-244. Organ donation.

(1) As used in this section:

(a) "Donor" means the same as that term is defined in Section 26B-8-301.

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- 49 (b) "Donor registry" means the same as that term is defined in Section 26B-8-301.
- 50 (c) "Intake" means the initial process by which a health care facility collects demographic, social,
clinical, or other similar data from a patient.
- 52 (2) A health care facility licensed under this part shall, as part of intake or as soon as reasonably
possible after intake:
- 54 (a) ask if the patient is a donor;
- 55 (b) if the patient is not a donor, ask if the patient would like to become a donor; and
- 56 (c) if the patient wishes to become a donor, provide information about how to access a donor registry
established under Section 26B-8-319.

58 Section 3. Section **53B-1-111** is amended to read:

59 **53B-1-111. Organ donation notification.**

- 69 (1) As used in this section:
- 70 (a) "Donor" means the same as that term is defined in Section [~~26B-4-137~~] 26B-8-301.
- 71 (b) "Donor registry" means the same as that term is defined in Section [~~26B-4-137~~] 26B-8-301.
- 73 (c) "Institution of higher education" means an institution as described in Section 53B-3-102.
- 75 (2)
- . (a) An institution of higher education shall distribute, twice each academic year to each enrolled student:
- 77 (i) an electronic message notifying each student of the option to register as a donor by selecting the Internet link described in Subsection (2)(a)(ii); and
- 79 (ii) through the electronic message described in Subsection (2)(a)(i) an Internet link to a website for a donor registry established under Section 26B-8-319.
- 81 (b) An institution of higher education may also provide to students information on donor registry by other electronic, printed, or in-person means.

74 Section 4. Section **53G-10-502** is amended to read:

75 **53G-10-502. Driver education established by a local education agency.**

- 85 (1)
- . (a) A local education agency may establish and maintain driver education for pupils.
- 86 (b) A school or local education agency that provides driver education shall provide an opportunity for each pupil enrolled in that school or local education agency to take the written test when the pupil is 15 years and nine months [~~of age~~] old.

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- 89 (c) Notwithstanding the provisions of Subsection (1)(b), a school or local education agency that
provides driver education may provide an opportunity for each pupil enrolled in that school or local
education agency to take the written test when the pupil is 15 years ~~[of age]~~ old.
- 93 (2) The purpose of driver education is to help develop the knowledge, attitudes, habits, and skills
necessary for the safe operation of motor vehicles.
- 95 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall
make rules for driver education offered in the public schools.
- 97 (4) The rules under Subsection (3) shall:
- 98 (a) require at least one hour of classroom training on the subject of railroad crossing safety for each
driver education pupil;
- 100 (b) require instruction, based on data and information provided by the Division of Air Quality, on:
- 102 (i) ways drivers can improve air quality; and
- 103 (ii) the harmful effects of vehicle emissions;~~[-and]~~
- 104 (c) require at least 30 minutes of instruction on the subject of organ donation, including information
regarding the option to register as a donor, as that term is defined in Section 26B-8-301, and
instructions for accessing a donor registry established under Section 26B-8-319; and
- 108 (d) establish minimum standards for approved driving ranges under Section 53-3-505.5.
- 109 (5) The requirements of Section 53-3-505.5 apply to any behind-the-wheel driving training provided as
part of driver education offered under this part and used to satisfy the driver training requirement
under Section 53-3-204.
- 103 Section 5. Section **58-9-701** is amended to read:
- 104 **58-9-701. Preneed contract requirements.**
- 114 (1)
- . (a) A preneed funeral arrangement sold in Utah shall be evidenced by a written contract.
- 116 (b) The funeral service establishment shall maintain a copy of the contract until five years after all of
the establishment's obligations under the contract have been executed.
- 119 (c) At the same time a sales agent or funeral service director provides a written contract of a preneed
funeral arrangement to a buyer, the sales agent or funeral director shall distribute to the buyer a
written or electronic message notifying the buyer of the option to register as a donor, as that term is
defined in Section 26B-8-301, and providing instructions for accessing a donor registry established
under Section 26B-8-319.

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- 125 (2) The form for a written contract of a preneed funeral arrangement under Subsection (1) shall:
- 127 (a) be written in clear and understandable language printed in an easy-to-read type size and font;
- 129 (b) bear the preprinted name, address, telephone number, and license number of the funeral service establishment obligated to provide the services under the contract terms;
- 132 (c) clearly identify that the contract is a guaranteed product contract;
- 133 (d) provide that a trust is established in accordance with the provisions of Section 58-9-702;
- 135 (e) if the contract is funded by an insurance policy or product, provide that the insurance policy or product is filed with the Insurance Department and meets the requirements of Title 31A, Insurance Code; and
- 138 (f) conform to other standards created by rules made by division under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to protect the interests of buyers and potential buyers.
- 141 (3) A preneed funeral arrangement contract shall provide for payment by the buyer in a form which may be liquidated by the funeral service establishment within 30 days after the day the funeral service establishment or sales agent receives the payment.
- 144 (4) A preneed funeral arrangement contract may not be revocable by the funeral service establishment except:
- 146 (a) in the event of nonpayment; and
- 147 (b) under terms and conditions clearly set forth in the contract.
- 148 (5)
- . (a) A preneed funeral arrangement contract may not be revocable by the buyer or beneficiary except:
- 150 (i) in the event of:
- 151 (A) a substantial contract breach by the funeral service establishment; or
- 152 (B) substantial evidence that the funeral service establishment is or will be unable to provide the personal property or services to the beneficiary as provided under the contract; or
- 155 (ii) under terms and conditions clearly set forth in the contract.
- 156 (b) The preneed funeral arrangement contract shall contain a clear statement of the manner in which payments made on the contract shall be refunded to the buyer or beneficiary upon revocation by the beneficiary.
- 159 (6)
- .

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(a) A preneed funeral arrangement contract shall provide the buyer the option to require the funeral service establishment to furnish a written disclosure to a person who does not live at the same residence as the buyer.

(b) The preneed funeral arrangement buyer may choose:

(i) a full disclosure containing a copy of the entire preneed funeral arrangement contract;

(ii) a partial disclosure informing the recipient of:

(A) the existence of a preneed funeral arrangement contract; and

(B) the name, address, telephone number, and license number of the funeral service establishment obligated to provide the services under the preneed funeral arrangement contract; or

(iii) not to require the funeral service establishment to furnish a written disclosure to another person.

Section 6. Section **59-10-103.1** is amended to read:

59-10-103.1. Information to be contained on individual income tax returns or booklets.

(1) The commission shall print the phrase "all state income tax dollars support education, children, and individuals with disabilities" on:

(a) the first page of an individual income tax return; and

(b) the cover page of an individual income tax forms and instructions booklet.

(2) The commission shall include on an individual income tax return a statement for a property owner to declare that the property owner no longer qualifies to receive a residential exemption authorized under Section 59-2-103 for that property owner's primary residence.

(3) The commission shall include ~~{in each instruction booklet}~~ information about the option to register as a donor, as that term is defined in Section 26B-8-301, and ~~{instructions}~~ a web address or link to a website for ~~{accessing}~~ a donor registry established under Section 26B-8-319~~{:}~~ :

(a) in each instructions booklet; and

(b) on the commission's website.

Section 7. Section **63G-1-401** is amended to read:

63G-1-401. Commemorative periods.

(1) As used in this section, "commemorative period" means a special observance declared by the governor that annually recognizes and honors a culturally or historically significant day, week, month, or other time period in the state.

(2)

(a) The governor may declare a commemorative period by issuing a declaration.

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- 192 (b) The governor shall maintain a list of all commemorative periods declared by the governor.
194 (3)
- . (a) The governor's declaration of a commemorative period expires the year immediately following the day on which the governor issues the declaration.
- 196 (b) Subsection (3)(a) does not prevent the governor from redeclaring a commemorative period before or after the commemorative period expires.
- 198 (4) Notwithstanding Subsections (2) and (3), the following days shall be commemorated annually:
- 200 (a) Utah History Day at the Capitol, on the Friday immediately following the fourth Monday in January, to encourage citizens of the state, including students, to participate in activities that recognize Utah's history;
- 203 (b) Day of Remembrance for Incarceration of Japanese Americans, on February 19, in remembrance of the incarceration of Japanese Americans during World War II;
- 205 (c) Utah State Flag Day, on March 9;
- 206 (d) Vietnam Veterans Recognition Day, on March 29;
- 207 (e) Utah Railroad Workers Day, on May 10;
- 208 (f) Dandy-Walker Syndrome Awareness Day, on May 11;
- 209 (g) Armed Forces Day, on the third Saturday in May, in honor of men and women who are serving or have served in the United States Armed Forces around the world in defense of freedom;
- 212 (h) Arthrogryposis Multiplex Congenita Awareness Day, on June 30;
- 213 (i) Navajo Code Talker Day, on August 14;
- 214 (j) Rachael Runyan/Missing and Exploited Children's Day, on August 26, the anniversary of the day three-year-old Rachael Runyan was kidnaped from a playground in Sunset, Utah, to:
- 217 (i) encourage individuals to make child safety a priority;
- 218 (ii) remember the importance of continued efforts to reunite missing children with their families; and
- 220 (iii) honor Rachael Runyan and all Utah children who have been abducted or exploited;
- 222 (k) September 11th Day of Remembrance, on September 11, in honor and remembrance of the first responders and persons killed and injured in the terrorist attacks on September 11, 2001;
- 225 (l) Constitution Day, on September 17, to invite all Utah adults and Utah school children to read directly from the United States Constitution and other primary sources, and for students to be taught principles from the United States Constitution that include federalism, checks and balances,

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separation of powers, popular sovereignty, limited government, and the necessary and proper, commerce, and supremacy clauses;

- 230 (m) POW/MIA Recognition Day, on the third Friday in September;
- 231 (n) Diwali, on the fifteenth day of the Hindu lunisolar month of Kartik, known as Lakshmi puja, or the Hindu festival of lights;
- 233 (o) Victims of Communism Memorial Day, on November 7;
- 234 (p) Indigenous People Day, on the Monday immediately preceding Thanksgiving; and
- 235 (q) Bill of Rights Day, on December 15.
- 236 (5) The Department of Veterans and Military Affairs shall coordinate activities, special programs, and promotional information to heighten public awareness and involvement relating to Subsections (4) (g) and (m).
- 239 (6) The month of April shall be commemorated annually as Clean Out the Medicine Cabinet Month to:
- 241 (a) recognize the urgent need to make Utah homes and neighborhoods safe from prescription medication abuse and poisonings by the proper home storage and disposal of prescription and over-the-counter medications; and
- 244 (b) educate citizens about the permanent medication disposal sites in Utah listed on useonlyasdirected.org that allow disposal throughout the year.
- 246 (7) The second full week of April shall be commemorated annually as Animal Care and Control Appreciation Week to recognize and increase awareness within the community of the services that animal care and control professionals provide.
- 249 (8) The third full week of April shall be commemorated annually as Organ Donor Awareness Week to increase public awareness of the need for organ donors, honor those that have saved lives through the gift of organ donation, and encourage citizens to register as organ donors.
- 253 ~~[(8)]~~ (9) The first full week of May shall be commemorated annually as State Water Week to recognize the importance of water conservation, quality, and supply in the state.
- 255 ~~[(9)]~~ (10) The third full week of June shall be commemorated annually as Workplace Safety Week to heighten public awareness regarding the importance of safety in the workplace.
- 257 ~~[(10)]~~ (11) The second Friday and Saturday in August shall be commemorated annually as Utah Fallen Heroes Days to:
- 259 (a) honor fallen heroes who, during service in the military or public safety, have sacrificed their lives to protect the country and the citizens of the state; and

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- 261 (b) encourage political subdivisions to acknowledge and honor fallen heroes.
- 262 ~~[(11)]~~ (12) The third full week in August shall be commemorated annually as Drowsy Driving
Awareness Week to:
- 264 (a) educate the public about the relationship between fatigue and driving performance; and
- 266 (b) encourage the Department of Public Safety and the Department of Transportation to recognize and
promote educational efforts on the dangers of drowsy driving.
- 268 ~~[(12)]~~ (13) The month of September shall be commemorated annually as American Founders and
Constitution Month to:
- 270 (a) encourage all civic, fraternal, and religious organizations, and public and private educational
institutions, to recognize and observe this occasion through appropriate programs, teaching,
meetings, services, or celebrations in which state, county, and local governmental officials are
invited to participate; and
- 274 (b) invite all Utah school children to read directly from the United States Constitution and other primary
sources, and to be taught principles from the United States Constitution that include federalism,
checks and balances, separation of powers, popular sovereignty, limited government, and the
necessary and proper, commerce, and supremacy clauses.
- 279 ~~[(13)]~~ (14) The third full week of September shall be commemorated annually as Gang Prevention
Awareness Week.
- 281 ~~[(14)]~~ (15) The month of October shall be commemorated annually as Italian-American Heritage
Month.
- 283 ~~[(15)]~~ (16) The month of November shall be commemorated annually as American Indian Heritage
Month.
- 285 ~~[(16)]~~ (17) The first full week of December shall be commemorated annually as Avalanche Awareness
Week to:
- 287 (a) educate the public about avalanche awareness and safety;
- 288 (b) encourage collaborative efforts to decrease annual avalanche accidents and fatalities; and
- 290 (c) honor Utah residents who have lost their lives in avalanches, including those who lost their lives
working to prevent avalanches.
- 285 Section 8. Section 8 is enacted to read:
- 286 **63G-6a-122. Encouraging the dissemination of information regarding organ donation.**
A procurement unit shall encourage all contractors to provide the contractor's employees

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with information about the option to register as a donor, as that term is defined in Section 26B-8-301, and instructions for accessing a donor registry established under Section 26B-8-319.

~~{Section 9. Section 75A-3-207 is amended to read: }~~

75A-3-207. Notification to health care provider -- Obligations of health care providers -- Liability.

(1) It is the responsibility of the declarant or surrogate, to the extent that the responsibility is not assigned to a health care provider or health care facility by state or federal law, to notify or provide for notification to a health care provider and a health care facility of:

- (a) the existence of a health care directive;
- (b) the revocation of a health care directive;
- (c) the existence or revocation of appointment of an agent or default surrogate;
- (d) the disqualification of a default surrogate; or
- (e) the appointment or revocation of appointment of a guardian.

(2)

(a) A health care provider or health care facility is not subject to civil or criminal liability or to claims of unprofessional conduct for failing to act upon a health care directive, a revocation of a health care directive, or a disqualification of a surrogate until the health care provider or health care facility has received an oral directive from an adult or a copy of a written directive or revocation of the health care directive, or the disqualification of the surrogate.

(b) A health care provider and health care facility that is notified under Subsection (1) shall include in the adult patient's medical record:

- (i) the health care directive or a copy of it, a revocation of a health care directive, or a disqualification of a surrogate; and
- (ii) the date, time, and place in which any written or oral notice of the document described in this Subsection (2)(b) is received.

(3) A health care provider or health care facility acting in good faith and in accordance with generally accepted health care standards is not subject to civil or criminal liability or to discipline for unprofessional conduct for:

- (a) complying with a health care decision made by an adult with health care decision making capacity;
- (b) complying with a health care decision made by a surrogate apparently having authority to make a health care decision for a person, including a decision to withhold or withdraw health care;

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- 329 (c) declining to comply with a health care decision of a surrogate based on a belief that the surrogate
then lacked authority;
- 331 (d) declining to comply with a health care decision of an adult who lacks decision making capacity;
- 333 (e) seeking a judicial determination, or requiring a surrogate to obtain a judicial determination, under
Section 75A-3-107 of:
- 335 (i) the validity of a health care directive;
- 336 (ii) the validity of directions from a surrogate or guardian;
- 337 (iii) the decision making capacity of an adult who challenges a physician's finding of incapacity; or
- 339 (iv) the authority of a guardian or surrogate; or
- 340 (f) complying with an advance health care directive and assuming that the directive was valid when
made, and has not been revoked or terminated.
- 342 (4)
- . (a) Health care providers and health care facilities shall:
- 343 (i) cooperate with a person authorized under this chapter to make written directives concerning
health care;
- 345 (ii) unless the provisions of Subsection (4)(b) apply, comply with:
- 346 (A) a health care decision of an adult; and
- 347 (B) a health care decision made by the highest ranking surrogate then authorized to make health care
decisions for an adult, to the same extent as if the decision had been made by the adult;
- 350 (iii) before implementing a health care decision made by a surrogate, make a reasonable attempt to
communicate to the adult on whose behalf the decision is made:
- 353 (A) the decision made; and
- 354 (B) the identity of the surrogate making the decision.
- 355 (b) A health care provider or health care facility may decline to comply with a health care decision if:
- 357 (i) in the opinion of the health care provider:
- 358 (A) the adult who made the decision lacks health care decision making capacity;
- 359 (B) the surrogate who made the decision lacks health care decision making capacity;
- 361 (C) the health care provider has evidence that the surrogate's instructions are inconsistent with the
adult's health care instructions, or, for a person who has always lacked health care decision making
capacity, that the surrogate's instructions are inconsistent with the best interest of the adult; or
- 365

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- (D) there is reasonable doubt regarding the status of a person claiming the right to act as a default surrogate, in which case the health care provider shall comply with Subsection 75A-3-203(6); or
- 368 (ii) the health care provider declines to comply for reasons of conscience.
- 369 (c) A health care provider or health care facility that declines to comply with a health care decision in accordance with Subsection (4)(b) must:
- 371 (i) promptly inform the adult and any acting surrogate of the reason for refusing to comply with the health care decision;
- 373 (ii) make a good faith attempt to resolve the conflict; and
- 374 (iii) provide continuing care to the patient until the issue is resolved or until a transfer can be made to a health care provider or health care facility that will implement the requested instruction or decision.
- 377 (d) A health care provider or health care facility that declines to comply with a health care instruction, after meeting the obligations set forth in Subsection (4)(c) may transfer the adult to a health care provider or health care facility that will carry out the requested health care decisions.
- 381 (e) A health care facility may decline to follow a health care decision for reasons of conscience under Subsection (4)(b)(ii) if:
- 383 (i) the health care decision is contrary to a policy of the facility that is expressly based on reasons of conscience;
- 385 (ii) the policy was timely communicated to the adult and an adult's surrogate;
- 386 (iii) the facility promptly informs the adult, if possible, and any surrogate then authorized to make decisions for the adult;
- 388 (iv) the facility provides continuing care to the adult until a transfer can be made to a health care facility that will implement the requested instruction or decision; and
- 390 (v) unless an adult or surrogate then authorized to make health care decisions for the adult refuses assistance, immediately make all reasonable efforts to assist in the transfer of the adult to another health care facility that will carry out the instructions or decisions.
- 394 (5) A health care provider and health care facility:
- 395 (a) may not require or prohibit the creation or revocation of an advance health care directive as a condition for providing health care;[and]
- 397 (b) when notified of a circumstance described in Subsection (1), shall inform the individual giving the notification about the option to register as a donor, as that term is defined in Section 26B-8-301, and provide instructions for accessing a donor registry established under Section 26B-8-319; and

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401 ~~[(b)]~~ (c) shall comply with all state and federal laws and regulations governing advance health care
directives.

291 Section 9. **Effective date.**

This bill takes effect on May 7, 2025.

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