

HB0349S04 compared with HB0349S02

~~{Omitted text}~~ shows text that was in HB0349S02 but was omitted in HB0349S04
inserted text shows text that was not in HB0349S02 but was inserted into HB0349S04

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Organ Donation Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Owens

Senate Sponsor: Calvin R. Musselman

2

3 LONG TITLE

4 General Description:

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

7 Highlighted Provisions:

8 This bill:

9 ▶ 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:

- 11 • the Division of Wildlife Resources' website;
- 12 • intake at a health care facility;and
- 13 • ~~{driver education;}~~
- 14 • ~~{a preneed funeral arrangement contract;}~~
- 15 • individual income tax instructions booklets and the State Tax Commission's website; {and}
- 17 • ~~{procurement contracts;}~~
- 18 ▶ ~~{designates the third full week of April as Organ Donor Awareness Week; and}~~
- 14 ▶

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requires the Department of Health and Human Services to convene a coalition of life-saving programs and create a comprehensive plan for communicating about those programs through state-owned channels; and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

AMENDS:

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

~~{53G-10-502 , as last amended by Laws of Utah 2021, Chapter 247 , as last amended by Laws of Utah 2021, Chapter 247}~~

~~{58-9-701 , as last amended by Laws of Utah 2012, Chapter 30 , as last amended by Laws of Utah 2012, Chapter 30}~~

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

~~{63G-1-401 , as last amended by Laws of Utah 2024, Chapter 377 , as last amended by Laws of Utah 2024, Chapter 377}~~

ENACTS:

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

26B-1-436 , Utah Code Annotated 1953 , Utah Code Annotated 1953

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

~~{63G-6a-122 , Utah Code Annotated 1953 , Utah Code Annotated 1953}~~

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

Section 1. Section 1 is enacted to read:

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.

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- (2) On the division's website, the division shall provide:
- (a) information about the option to register as a donor; and
- (b) a link to a website for a donor registry where an individual can register as a donor.
- (3) The requirements in Subsection (2) do not apply if the division provides information on the division's website in connection with a comprehensive plan described in Section 26B-1-436.

Section 2. Section 2 is enacted to read:

26B-1-436. Life-saving programs coalition and plan.

- (1) As used in this section:
- (a) "Comprehensive plan" means a comprehensive plan described in Subsection (3).
- (b) "Director" means an executive director, director, commissioner, general manager, or other similar position who has ultimate responsibility for the operation of a state entity.
- (c) "State publication channel" means a website or publication of a state entity that:
- (i) the public accesses, uses, or interacts with in significant volume; and
- (ii) is approved for use in connection with a comprehensive plan by the director of the state entity that controls the website or publication, or the director's designee.
- (2) To maximize the opportunity to save lives in the state, the department shall convene a coalition of state-funded and state-sponsored life-saving programs.
- (3) The department shall create a comprehensive plan, including best practices and principles, for utilizing state publication channels to communicate information about life-saving programs to the public.
- (4) The comprehensive plan may include a schedule coordinating when each life-saving program is promoted through state publication channels, which may also coordinate with promotional periods or commemorative periods declared by the governor, and may address the allocation of costs.

Section 3. Section 3 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.
- (b) "Donor registry" means the same as that term is defined in Section 26B-8-301.
- (c) "Intake" means the initial process by which a health care facility collects demographic, social, clinical, or other similar data from a patient.

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(2) A health care facility licensed under this part shall, as part of intake or as soon as reasonably possible after intake:

(a) ask if the patient is a donor;

(b) if the patient is not a donor, ask if the patient would like to become a donor; and

(c) if the patient wishes to become a donor, provide information about how to access a donor registry established under Section 26B-8-319.

Section 4. Section **53B-1-111** is amended to read:

53B-1-111. Organ donation notification.

(1) As used in this section:

(a) "Donor" means the same as that term is defined in Section ~~[26B-4-137]~~ 26B-8-301.

(b) "Donor registry" means the same as that term is defined in Section ~~[26B-4-137]~~ 26B-8-301.

(c) "Institution of higher education" means an institution as described in Section 53B-3-102.

(2)

(a) An institution of higher education shall distribute, twice each academic year to each enrolled student:

(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

(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.

(b) An institution of higher education may also provide to students information on donor registry by other electronic, printed, or in-person means.

~~{Section 4. Section 53G-10-502 is amended to read: }~~

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

(1)

(a) A local education agency may establish and maintain driver education for pupils.

(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.

(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.

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- (2) The purpose of driver education is to help develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles.
- (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.
- (4) The rules under Subsection (3) shall:
- (a) require at least one hour of classroom training on the subject of railroad crossing safety for each driver education pupil;
- (b) require instruction, based on data and information provided by the Division of Air Quality, on:
- (i) ways drivers can improve air quality; and
- (ii) the harmful effects of vehicle emissions;[-and]
- (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
- (d) establish minimum standards for approved driving ranges under Section 53-3-505.5.
- (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.

~~{Section 5. Section 58-9-701 is amended to read: }~~

58-9-701. Preneed contract requirements.

- (1)
- (a) A preneed funeral arrangement sold in Utah shall be evidenced by a written contract.
- (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.
- (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.
- (2) The form for a written contract of a preneed funeral arrangement under Subsection (1) shall:
- (a) be written in clear and understandable language printed in an easy-to-read type size and font;

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- (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;
- 123 (c) clearly identify that the contract is a guaranteed product contract;
- 124 (d) provide that a trust is established in accordance with the provisions of Section 58-9-702;
- 126 (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
- 129 (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.
- 132 (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.
- 135 (4) A preneed funeral arrangement contract may not be revocable by the funeral service establishment except:
 - 137 (a) in the event of nonpayment; and
 - 138 (b) under terms and conditions clearly set forth in the contract.
- 139 (5)
 - (a) A preneed funeral arrangement contract may not be revocable by the buyer or beneficiary except:
 - 141 (i) in the event of:
 - 142 (A) a substantial contract breach by the funeral service establishment; or
 - 143 (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
 - 146 (ii) under terms and conditions clearly set forth in the contract.
 - 147 (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.
- 150 (6)
 - (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.
 - 153 (b) The preneed funeral arrangement buyer may choose:

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- 154 (i) a full disclosure containing a copy of the entire preneed funeral arrangement contract;
156 (ii) a partial disclosure informing the recipient of:
157 (A) the existence of a preneed funeral arrangement contract; and
158 (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
161 (iii) not to require the funeral service establishment to furnish a written disclosure to another person.

92 Section 5. Section **59-10-103.1** is amended to read:

93 **59-10-103.1. Information to be contained on individual income tax returns or booklets.**

- 166 (1) The commission shall print the phrase "all state income tax dollars support education, children, and
individuals with disabilities" on:
168 (a) the first page of an individual income tax return; and
169 (b) the cover page of an individual income tax forms and instructions booklet.
170 (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.
174 ~~{(3) {The commission shall include information about the option to register as a donor, as that term is
defined in Section 26B-8-301, and a web address or link to a website for a donor registry established
under Section 26B-8-319:}}~~
103 (3)
177 (a) The commission shall include in each ~~{instructions booklet;}~~ instruction booklet 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.
178 (b) The commission shall include on the commission's website information about the option to register
as a donor, as that term is defined in Section 26B-8-301, and a link to a website for a donor registry
established under Section 26B-8-319.
109 (c) The requirements in Subsections (3)(a) and (b) do not apply if the commission provides information
in each instruction booklet and on the commission's website in connection with a comprehensive
plan described in Section 26B-1-436.

179 ~~{Section 7. Section **63G-1-401** is amended to read: }~~

180 **63G-1-401. Commemorative periods.**

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(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.

(b) The governor shall maintain a list of all commemorative periods declared by the governor.

(3)

(a) The governor's declaration of a commemorative period expires the year immediately following the day on which the governor issues the declaration.

(b) Subsection (3)(a) does not prevent the governor from redeclaring a commemorative period before or after the commemorative period expires.

(4) Notwithstanding Subsections (2) and (3), the following days shall be commemorated annually:

(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;

(b) Day of Remembrance for Incarceration of Japanese Americans, on February 19, in remembrance of the incarceration of Japanese Americans during World War II;

(c) Utah State Flag Day, on March 9;

(d) Vietnam Veterans Recognition Day, on March 29;

(e) Utah Railroad Workers Day, on May 10;

(f) Dandy-Walker Syndrome Awareness Day, on May 11;

(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;

(h) Arthrogryposis Multiplex Congenita Awareness Day, on June 30;

(i) Navajo Code Talker Day, on August 14;

(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:

(i) encourage individuals to make child safety a priority;

(ii) remember the importance of continued efforts to reunite missing children with their families; and

(iii) honor Rachael Runyan and all Utah children who have been abducted or exploited;

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- (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;
- 218 (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, separation of powers, popular sovereignty, limited government, and the necessary and proper, commerce, and supremacy clauses;
- 223 (m) POW/MIA Recognition Day, on the third Friday in September;
- 224 (n) Diwali, on the fifteenth day of the Hindu lunisolar month of Kartik, known as Lakshmi puja, or the Hindu festival of lights;
- 226 (o) Victims of Communism Memorial Day, on November 7;
- 227 (p) Indigenous People Day, on the Monday immediately preceding Thanksgiving; and
- 228 (q) Bill of Rights Day, on December 15.
- 229 (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).
- 232 (6) The month of April shall be commemorated annually as Clean Out the Medicine Cabinet Month to:
- 234 (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
- 237 (b) educate citizens about the permanent medication disposal sites in Utah listed on useonlyasdirected.org that allow disposal throughout the year.
- 239 (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.
- 242 (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.
- 246 [(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.
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~~[(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.

250 ~~[(10)]~~ (11) The second Friday and Saturday in August shall be commemorated annually as Utah Fallen Heroes Days to:

252 (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

254 (b) encourage political subdivisions to acknowledge and honor fallen heroes.

255 ~~[(11)]~~ (12) The third full week in August shall be commemorated annually as Drowsy Driving Awareness Week to:

257 (a) educate the public about the relationship between fatigue and driving performance; and

259 (b) encourage the Department of Public Safety and the Department of Transportation to recognize and promote educational efforts on the dangers of drowsy driving.

261 ~~[(12)]~~ (13) The month of September shall be commemorated annually as American Founders and Constitution Month to:

263 (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

267 (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.

272 ~~[(13)]~~ (14) The third full week of September shall be commemorated annually as Gang Prevention Awareness Week.

274 ~~[(14)]~~ (15) The month of October shall be commemorated annually as Italian-American Heritage Month.

276 ~~[(15)]~~ (16) The month of November shall be commemorated annually as American Indian Heritage Month.

278 ~~[(16)]~~ (17) The first full week of December shall be commemorated annually as Avalanche Awareness Week to:

280 (a) educate the public about avalanche awareness and safety;

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- 281 (b) encourage collaborative efforts to decrease annual avalanche accidents and fatalities; and
283 (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
with information about the option to register as a donor, as that term is defined in Section

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26B-8-301, and instructions for accessing a donor registry established under Section 26B-8-319.

112 Section 6. **Effective date.**

This bill takes effect on May 7, 2025.

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