

Doug Owens proposes the following substitute bill:

Organ Donation Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Owens

Senate Sponsor:

2

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses public awareness of organ donation.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ requires information about the option to register as an organ donor to be provided in
9 connection with:

- 10 • a license, permit, or certificate of registration to be used for hunting, fishing, trapping,
11 seining, or dealing in furs;
- 12 • driver education;
- 13 • a preneed funeral arrangement contract;
- 14 • individual income tax booklets;
- 15 • procurement contracts; and
- 16 • health care directives;
- 17 ▶ requires the Division of Wildlife Resources to provide an online form by which an
18 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.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

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

28 **53B-1-111**, as last amended by Laws of Utah 2023, Chapter 328

- 29 **53G-10-502**, as last amended by Laws of Utah 2021, Chapter 247
- 30 **58-9-701**, as last amended by Laws of Utah 2012, Chapter 30
- 31 **59-10-103.1**, as last amended by Laws of Utah 2022, Chapter 258
- 32 **63G-1-401**, 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

34 ENACTS:

- 35 **23A-1-207**, Utah Code Annotated 1953
- 36 **63G-6a-122**, Utah Code Annotated 1953



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

39 Section 1. Section **23A-1-207** is enacted to read:

40 **23A-1-207 . Organ donation.**

41 (1) As used in this section:

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

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

- 45 (a) provide information about the option to register as a donor, as that term is defined in
- 46 Section 26B-8-301; and
- 47 (b) provide a form by which an individual can elect to register as a donor and provide
- 48 the information necessary to register as a donor.

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

51 Section 2. Section **23A-4-202** is amended to read:

52 **23A-4-202 . License, permit, and certificate forms prescribed by Wildlife Board.**

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

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

62 (2) A license, permit, or certificate of registration may be paper-based or in electronic

63 format pursuant to the rules made by the Wildlife Board in accordance with Title 63G,
64 Chapter 3, Utah Administrative Rulemaking Act.

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

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

68 **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~~]
72 26B-8-301.

73 (c) "Institution of higher education" means an institution as described in Section
74 53B-3-102.

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

77 (i) an electronic message notifying each student of the option to register as a donor by
78 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
80 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
82 registry by other electronic, printed, or in-person means.

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

84 **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
87 opportunity for each pupil enrolled in that school or local education agency to take
88 the written test when the pupil is 15 years and nine months [~~of age~~] old.

89 (c) Notwithstanding the provisions of Subsection (1)(b), a school or local education
90 agency that provides driver education may provide an opportunity for each pupil
91 enrolled in that school or local education agency to take the written test when the
92 pupil is 15 years [~~of age~~] old.

93 (2) The purpose of driver education is to help develop the knowledge, attitudes, habits, and
94 skills necessary for the safe operation of motor vehicles.

95 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
96 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
- 99 safety for each driver education pupil;
- 100 (b) require instruction, based on data and information provided by the Division of Air
- 101 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
- 105 information regarding the option to register as a donor, as that term is defined in
- 106 Section 26B-8-301, and instructions for accessing a donor registry established under
- 107 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
- 110 provided as part of driver education offered under this part and used to satisfy the driver
- 111 training requirement under Section 53-3-204.

112 Section 5. Section **58-9-701** is amended to read:

113 **58-9-701 . Preneed contract requirements.**

- 114 (1)(a) A preneed funeral arrangement sold in Utah shall be evidenced by a written
- 115 contract.
- 116 (b) The funeral service establishment shall maintain a copy of the contract until five
- 117 years after all of the establishment's obligations under the contract have been
- 118 executed.
- 119 (c) At the same time a sales agent or funeral service director provides a written contract
- 120 of a preneed funeral arrangement to a buyer, the sales agent or funeral director shall
- 121 distribute to the buyer a written or electronic message notifying the buyer of the
- 122 option to register as a donor, as that term is defined in Section 26B-8-301, and
- 123 providing instructions for accessing a donor registry established under Section
- 124 26B-8-319.
- 125 (2) The form for a written contract of a preneed funeral arrangement under Subsection (1)
- 126 shall:
- 127 (a) be written in clear and understandable language printed in an easy-to-read type size
- 128 and font;
- 129 (b) bear the preprinted name, address, telephone number, and license number of the
- 130 funeral service establishment obligated to provide the services under the contract

- 131 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
134 58-9-702;
- 135 (e) if the contract is funded by an insurance policy or product, provide that the insurance
136 policy or product is filed with the Insurance Department and meets the requirements
137 of Title 31A, Insurance Code; and
- 138 (f) conform to other standards created by rules made by division under Title 63G,
139 Chapter 3, Utah Administrative Rulemaking Act, to protect the interests of buyers
140 and potential buyers.
- 141 (3) A preneed funeral arrangement contract shall provide for payment by the buyer in a
142 form which may be liquidated by the funeral service establishment within 30 days after
143 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
145 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
149 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
153 to provide the personal property or services to the beneficiary as provided
154 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
157 manner in which payments made on the contract shall be refunded to the buyer or
158 beneficiary upon revocation by the beneficiary.
- 159 (6)(a) A preneed funeral arrangement contract shall provide the buyer the option to
160 require the funeral service establishment to furnish a written disclosure to a person
161 who does not live at the same residence as the buyer.
- 162 (b) The preneed funeral arrangement buyer may choose:
- 163 (i) a full disclosure containing a copy of the entire preneed funeral arrangement
164 contract;

- 165 (ii) a partial disclosure informing the recipient of:
- 166 (A) the existence of a preneed funeral arrangement contract; and
- 167 (B) the name, address, telephone number, and license number of the funeral
- 168 service establishment obligated to provide the services under the preneed
- 169 funeral arrangement contract; or
- 170 (iii) not to require the funeral service establishment to furnish a written disclosure to
- 171 another person.

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

173 **59-10-103.1 . Information to be contained on individual income tax returns or**

174 **booklets.**

- 175 (1) The commission shall print the phrase "all state income tax dollars support education,
- 176 children, and individuals with disabilities" on:
- 177 (a) the first page of an individual income tax return; and
- 178 (b) the cover page of an individual income tax forms and instructions booklet.
- 179 (2) The commission shall include on an individual income tax return a statement for a
- 180 property owner to declare that the property owner no longer qualifies to receive a
- 181 residential exemption authorized under Section 59-2-103 for that property owner's
- 182 primary residence.
- 183 (3) The commission shall include in each instruction booklet information about the option
- 184 to register as a donor, as that term is defined in Section 26B-8-301, and instructions for
- 185 accessing a donor registry established under Section 26B-8-319.

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

187 **63G-1-401 . Commemorative periods.**

- 188 (1) As used in this section, "commemorative period" means a special observance declared
- 189 by the governor that annually recognizes and honors a culturally or historically
- 190 significant day, week, month, or other time period in the state.
- 191 (2)(a) The governor may declare a commemorative period by issuing a declaration.
- 192 (b) The governor shall maintain a list of all commemorative periods declared by the
- 193 governor.
- 194 (3)(a) The governor's declaration of a commemorative period expires the year
- 195 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
- 197 period before or after the commemorative period expires.
- 198 (4) Notwithstanding Subsections (2) and (3), the following days shall be commemorated

- 199 annually:
- 200 (a) Utah History Day at the Capitol, on the Friday immediately following the fourth
- 201 Monday in January, to encourage citizens of the state, including students, to
- 202 participate in activities that recognize Utah's history;
- 203 (b) Day of Remembrance for Incarceration of Japanese Americans, on February 19, in
- 204 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
- 210 are serving or have served in the United States Armed Forces around the world in
- 211 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
- 215 anniversary of the day three-year-old Rachael Runyan was kidnaped from a
- 216 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
- 219 their families; and
- 220 (iii) honor Rachael Runyan and all Utah children who have been abducted or
- 221 exploited;
- 222 (k) September 11th Day of Remembrance, on September 11, in honor and remembrance
- 223 of the first responders and persons killed and injured in the terrorist attacks on
- 224 September 11, 2001;
- 225 (l) Constitution Day, on September 17, to invite all Utah adults and Utah school children
- 226 to read directly from the United States Constitution and other primary sources, and
- 227 for students to be taught principles from the United States Constitution that include
- 228 federalism, checks and balances, separation of powers, popular sovereignty, limited
- 229 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
- 232 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
- 237 programs, and promotional information to heighten public awareness and involvement
- 238 relating to Subsections (4)(g) and (m).
- 239 (6) The month of April shall be commemorated annually as Clean Out the Medicine
- 240 Cabinet Month to:
- 241 (a) recognize the urgent need to make Utah homes and neighborhoods safe from
- 242 prescription medication abuse and poisonings by the proper home storage and
- 243 disposal of prescription and over-the-counter medications; and
- 244 (b) educate citizens about the permanent medication disposal sites in Utah listed on
- 245 useonlyasdirected.org that allow disposal throughout the year.
- 246 (7) The second full week of April shall be commemorated annually as Animal Care and
- 247 Control Appreciation Week to recognize and increase awareness within the community
- 248 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
- 250 Awareness Week to increase public awareness of the need for organ donors, honor those
- 251 that have saved lives through the gift of organ donation, and encourage citizens to
- 252 register as organ donors.
- 253 [~~8~~] (9) The first full week of May shall be commemorated annually as State Water Week
- 254 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
- 256 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
- 258 Utah Fallen Heroes Days to:
- 259 (a) honor fallen heroes who, during service in the military or public safety, have
- 260 sacrificed their lives to protect the country and the citizens of the state; and
- 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
- 263 Driving Awareness Week to:
- 264 (a) educate the public about the relationship between fatigue and driving performance;
- 265 and
- 266 (b) encourage the Department of Public Safety and the Department of Transportation to

267 recognize and promote educational efforts on the dangers of drowsy driving.

268 [~~(12)~~] (13) The month of September shall be commemorated annually as American

269 Founders and Constitution Month to:

270 (a) encourage all civic, fraternal, and religious organizations, and public and private

271 educational institutions, to recognize and observe this occasion through appropriate

272 programs, teaching, meetings, services, or celebrations in which state, county, and

273 local governmental officials are invited to participate; and

274 (b) invite all Utah school children to read directly from the United States Constitution

275 and other primary sources, and to be taught principles from the United States

276 Constitution that include federalism, checks and balances, separation of powers,

277 popular sovereignty, limited government, and the necessary and proper, commerce,

278 and supremacy clauses.

279 [~~(13)~~] (14) The third full week of September shall be commemorated annually as Gang

280 Prevention Awareness Week.

281 [~~(14)~~] (15) The month of October shall be commemorated annually as Italian-American

282 Heritage Month.

283 [~~(15)~~] (16) The month of November shall be commemorated annually as American Indian

284 Heritage Month.

285 [~~(16)~~] (17) The first full week of December shall be commemorated annually as Avalanche

286 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;

289 and

290 (c) honor Utah residents who have lost their lives in avalanches, including those who

291 lost their lives working to prevent avalanches.

292 Section 8. Section **63G-6a-122** is enacted to read:

293 **63G-6a-122 . Encouraging the dissemination of information regarding organ**

294 **donation.**

295 A procurement unit shall encourage all contractors to provide the contractor's employees

296 with information about the option to register as a donor, as that term is defined in Section

297 26B-8-301, and instructions for accessing a donor registry established under Section 26B-8-319.

298 Section 9. Section **75A-3-207** is amended to read:

299 **75A-3-207 . Notification to health care provider -- Obligations of health care**

300 **providers -- Liability.**

- 301 (1) It is the responsibility of the declarant or surrogate, to the extent that the responsibility
302 is not assigned to a health care provider or health care facility by state or federal law, to
303 notify or provide for notification to a health care provider and a health care facility of:
- 304 (a) the existence of a health care directive;
 - 305 (b) the revocation of a health care directive;
 - 306 (c) the existence or revocation of appointment of an agent or default surrogate;
 - 307 (d) the disqualification of a default surrogate; or
 - 308 (e) the appointment or revocation of appointment of a guardian.
- 309 (2)(a) A health care provider or health care facility is not subject to civil or criminal
310 liability or to claims of unprofessional conduct for failing to act upon a health care
311 directive, a revocation of a health care directive, or a disqualification of a surrogate
312 until the health care provider or health care facility has received an oral directive
313 from an adult or a copy of a written directive or revocation of the health care
314 directive, or the disqualification of the surrogate.
- 315 (b) A health care provider and health care facility that is notified under Subsection (1)
316 shall include in the adult patient's medical record:
 - 317 (i) the health care directive or a copy of it, a revocation of a health care directive, or a
318 disqualification of a surrogate; and
 - 319 (ii) the date, time, and place in which any written or oral notice of the document
320 described in this Subsection (2)(b) is received.
- 321 (3) A health care provider or health care facility acting in good faith and in accordance with
322 generally accepted health care standards is not subject to civil or criminal liability or to
323 discipline for unprofessional conduct for:
- 324 (a) complying with a health care decision made by an adult with health care decision
325 making capacity;
 - 326 (b) complying with a health care decision made by a surrogate apparently having
327 authority to make a health care decision for a person, including a decision to withhold
328 or withdraw health care;
 - 329 (c) declining to comply with a health care decision of a surrogate based on a belief that
330 the surrogate then lacked authority;
 - 331 (d) declining to comply with a health care decision of an adult who lacks decision
332 making capacity;
 - 333 (e) seeking a judicial determination, or requiring a surrogate to obtain a judicial
334 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
- 338 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
- 341 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
- 344 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
- 348 to make health care decisions for an adult, to the same extent as if the decision
- 349 had been made by the adult;
- 350 (iii) before implementing a health care decision made by a surrogate, make a
- 351 reasonable attempt to communicate to the adult on whose behalf the decision is
- 352 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
- 356 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
- 360 capacity;
- 361 (C) the health care provider has evidence that the surrogate's instructions are
- 362 inconsistent with the adult's health care instructions, or, for a person who has
- 363 always lacked health care decision making capacity, that the surrogate's
- 364 instructions are inconsistent with the best interest of the adult; or
- 365 (D) there is reasonable doubt regarding the status of a person claiming the right to
- 366 act as a default surrogate, in which case the health care provider shall comply
- 367 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
370 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
372 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
375 can be made to a health care provider or health care facility that will implement
376 the requested instruction or decision.
- 377 (d) A health care provider or health care facility that declines to comply with a health
378 care instruction, after meeting the obligations set forth in Subsection (4)(c) may
379 transfer the adult to a health care provider or health care facility that will carry out the
380 requested health care decisions.
- 381 (e) A health care facility may decline to follow a health care decision for reasons of
382 conscience under Subsection (4)(b)(ii) if:
- 383 (i) the health care decision is contrary to a policy of the facility that is expressly
384 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
387 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
389 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
391 adult refuses assistance, immediately make all reasonable efforts to assist in the
392 transfer of the adult to another health care facility that will carry out the
393 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
396 directive as a condition for providing health care; ~~and~~
- 397 (b) when notified of a circumstance described in Subsection (1), shall inform the
398 individual giving the notification about the option to register as a donor, as that term
399 is defined in Section 26B-8-301, and provide instructions for accessing a donor
400 registry established under Section 26B-8-319; and
- 401 ~~(b)~~ (c) shall comply with all state and federal laws and regulations governing advance
402 health care directives.

403 Section 10. **Effective Date.**

404 This bill takes effect on May 7, 2025.