

IN THE SENATE

SENATE BILL NO. 1071

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO ORGAN DONOR NOTIFICATION; AMENDING SECTION 39-3413, IDAHO CODE, TO PROVIDE THAT LAW ENFORCEMENT OFFICERS, FIREFIGHTERS AND EMERGENCY MEDICAL PROVIDERS SHALL PROVIDE CERTAIN INFORMATION TO ORGAN PROCUREMENT ORGANIZATIONS REGARDING DECEASED INDIVIDUALS IN A MOTOR VEHICLE ACCIDENT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-3413, Idaho Code, be, and the same is hereby amended to read as follows:

39-3413. SEARCH AND NOTIFICATION. (1) The following persons shall make a reasonable search of an individual who the person reasonably believes is dead or near death for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal:

(a) A law enforcement officer, firefighter, paramedic or other emergency rescuer finding the individual; ~~and~~

(b) If no other source of the information is immediately available, a hospital, as soon as practical after the individual's arrival at the hospital;

(c) A law enforcement officer, firefighter, emergency medical services provider or other emergency rescuer who finds an individual who is deceased at the scene of a motor vehicle accident, when the deceased individual is transported from the scene of the accident to a funeral establishment licensed under chapter 11, title 54, Idaho Code, shall as soon as reasonably possible, notify the appropriate organ procurement organization, tissue bank or eye bank of:

(i) The identity of the deceased individual, if known;

(ii) Information, if known, pertaining to the deceased individual's next of kin; and

(iii) The name and location of the funeral establishment, coroner's office or hospital that received custody of and transported the deceased individual.

(2) If a document of gift or a refusal to make an anatomical gift is located by the search required by subsection (1) (a) of this section and the individual or deceased individual to whom it relates is taken to a hospital, the person responsible for conducting the search shall send the document of gift or refusal to the hospital.

(3) A person is not subject to criminal or civil liability for failing to discharge the duties imposed by this section but may be subject to administrative sanctions.