

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 790 (Senator Kagan)
Judicial Proceedings

Maryland Revised Uniform Anatomical Gift Act - Donors - Policy of the State

The bill specifies that it is the policy of the State that any donor may make an anatomical gift during the life of the donor, for the purpose of transplantation, therapy, research, or education, regardless of (1) age, subject to specified provisions of the Estates and Trusts Article; (2) ethnicity; or (3) medical history.

Fiscal Summary

State Effect: The bill is not anticipated to affect State finances or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: An anatomical gift may be made during the life of a donor for the purpose of transplantation, therapy, research, or education by (1) a donor who is an adult, or a minor who is emancipated or authorized under State law to apply for a driver's license (at least 15 years and 9 months old); (2) an agent of a donor, unless a power of attorney for health care or other record prohibits the agent from making an anatomical gift; (3) a parent of a donor, if the donor is an unemancipated minor; or (4) a guardian of a donor.

Generally, in the absence of an express, contrary indication by the donor, a person other than the donor is prohibited from making, amending, or revoking an anatomical gift of a donor's body or part, if the donor made an anatomical gift of the donor's body or part, or an amendment to an anatomical gift of the donor's body or part.

Background: According to the U.S. Department of Health and Human Services, in 2018, 379 organs were donated in Maryland, of which 171 were from living donors and 208 were from deceased donors. As of February 22, 2019, there were 3,396 individuals on the waiting list for an organ in the State.

Despite the advances in organ transplant medicine and increased awareness, the organ donor waiting list has grown over time both in the United States and in Maryland. Approximately 56% of Maryland candidates have been on the waiting list for more than two years.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Register of Wills; Maryland Department of Health; U.S. Department of Health and Human Services; Department of Legislative Services

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