

HOUSE BILL 1370

J1, N2

2lr2809

By: **Delegate Sample–Hughes**

Introduced and read first time: February 11, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Organ and Tissue Donation Awareness Fund – Annual Funding and Extension**

3 FOR the purpose of altering, beginning in a certain fiscal year, the annual amount to be
4 distributed from the Organ and Tissue Donation Awareness Fund to a certain
5 qualified nonprofit entity; extending the termination date for certain provisions of
6 law governing the distribution of money from the Fund; and generally relating to the
7 Organ and Tissue Donation Awareness Fund.

8 BY repealing and reenacting, without amendments,

9 Article – Estates and Trusts

10 Section 4–516(a) and (b)

11 Annotated Code of Maryland

12 (2017 Replacement Volume and 2021 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Health – General

15 Section 13–901

16 Annotated Code of Maryland

17 (2019 Replacement Volume and 2021 Supplement)

18 BY repealing and reenacting, with amendments,

19 Chapter 444 of the Acts of the General Assembly of 2018

20 Section 2

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:

23 **Article – Estates and Trusts**

24 4–516.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this section, “qualified nonprofit entity” means a procurement organization
2 exempt from taxation under § 501(c)(3) of the Internal Revenue Code or an entity exempt
3 from taxation under § 501(c)(3) of the Internal Revenue Code that actively functions in a
4 supporting relationship to one or more procurement organizations if the procurement
5 organization or other entity has a board of directors whose members are experienced in:

6 (1) Organ, tissue, and eye donation;

7 (2) Working with donors and donor families; and

8 (3) Educating the public about the importance of the process of organ,
9 tissue, and eye donation.

10 (b) (1) The Secretary of Health shall contract with a qualified nonprofit entity
11 for the establishment, maintenance, and operation of a donor registry.

12 (2) The Secretary of Health shall use funds from the Organ and Tissue
13 Donation Awareness Fund as required under § 13–901 of the Health – General Article and
14 any other funds as may be appropriate to compensate the nonprofit entity contracted with
15 under paragraph (1) of this subsection for the reasonable cost of establishing, maintaining,
16 and operating the donor registry, including the reasonable cost of public education
17 programs to increase public awareness about the existence and purpose of the registry and
18 organ, tissue, and eye donation.

19 Article – Health – General

20 13–901.

21 (a) (1) There is an Organ and Tissue Donation Awareness Fund.

22 (2) The Fund consists of money collected under § 16–111.2(f) of the
23 Transportation Article.

24 (3) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of
25 the State Finance and Procurement Article.

26 (4) The State Treasurer shall separately hold and the State Comptroller
27 shall account for the Fund.

28 (5) The Fund shall be invested and reinvested in the same manner as other
29 State funds.

30 (6) Any investment earnings shall be retained to the credit of the Fund.

31 (b) (1) The Fund shall be managed and supervised by the Secretary or the
32 Secretary’s designee.

1 (2) (i) The Fund shall be used to promote public education and
2 awareness about organ, tissue, and eye donations and to fund the establishment, operation,
3 and maintenance of a donor registry as provided in § 4–516 of the Estates and Trusts
4 Article.

5 (ii) 1. [At] **BEGINNING IN FISCAL YEAR 2024, AT** least
6 **[\$400,000] \$500,000** shall be distributed annually from the Fund to the qualified nonprofit
7 entity described in § 4–516 of the Estates and Trusts Article.

8 2. Any unused funds distributed to the qualified nonprofit
9 entity under subparagraph 1 of this subparagraph shall revert to the Fund at the end
10 of each fiscal year.

11 (3) The Fund shall be subject to audit by the Office of Legislative Audits
12 under Title 2, Subtitle 12 of the State Government Article.

13 Chapter 444 of the Acts of 2018

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2018. It shall remain effective for a period of [5] **9** years and, at the end of
16 September 30, [2023] **2027**, this Act, with no further action required by the General
17 Assembly, shall be abrogated and of no further force and effect.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
19 1, 2022. It shall remain effective until the taking effect of the termination provision
20 specified in Section 2 of Chapter 444 of the Acts of the General Assembly of 2018. If that
21 termination provision takes effect, this Act, with no further action required by the General
22 Assembly, shall be abrogated and of no further force and effect.