

Chapter 274

(House Bill 1370)

AN ACT concerning

Organ and Tissue Donation Awareness Fund – Annual Funding and Extension

FOR the purpose of altering, beginning in a certain fiscal year, the annual amount to be distributed from the Organ and Tissue Donation Awareness Fund to a certain qualified nonprofit entity; requiring the Governor to include in the annual budget bill for certain fiscal years a certain appropriation to the Organ and Tissue Donation Awareness Fund; extending the termination date for certain provisions of law governing the distribution of money from the Fund; and generally relating to the Organ and Tissue Donation Awareness Fund.

BY repealing and reenacting, without amendments,
 Article – Estates and Trusts
 Section 4–516(a) and (b)
 Annotated Code of Maryland
 (2017 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
 Article – Health – General
 Section 13–901
 Annotated Code of Maryland
 (2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
 Chapter 444 of the Acts of the General Assembly of 2018
 Section 2

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

Article – Estates and Trusts

4–516.

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

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

- (2) Working with donors and donor families; and
- (3) Educating the public about the importance of the process of organ, tissue, and eye donation.

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

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

Article – Health – General

13–901.

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

(2) The Fund consists of ~~money~~:

(I) MONEY collected under § 16–111.2(f) of the Transportation Article; **AND**

(II) FUNDS APPROPRIATED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

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

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

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

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

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

(2) (i) The Fund shall be used to promote public education and awareness about organ, tissue, and eye donations and to fund the establishment, operation,

and maintenance of a donor registry as provided in § 4–516 of the Estates and Trusts Article.

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

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

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

(C) FOR EACH OF FISCAL YEARS 2024 THROUGH 2027, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION TO THE FUND IN AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN:

(1) THE FUNDS COLLECTED UNDER § 16–111.2(F) OF THE TRANSPORTATION ARTICLE IN THE SECOND IMMEDIATELY PRECEDING FISCAL YEAR; AND

(2) \$500,000.

Chapter 444 of the Acts of 2018

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

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

Approved by the Governor, May 12, 2022.