



**Hundredth Legislature - First Session - 2007
Committee Statement
LB 246**

Hearing Date: February 15, 2007
Committee On: Judiciary

Introducer(s): (Johnson)

Title: Provide requirements for coroners relating to the procurement of anatomical gifts and provide for civil and criminal immunity

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

6	Yes	Sen. Ashford, Sen. Lathrop, Sen. McDonald, Sen. McGill, Sen. Pedersen, Sen. Pirsch
1	No	Sen. Chambers,
	Present, not voting	
1	Absent	Sen. Schimek

Proponents:

Sen. Johnson
James Billups
John Liakos
Frederick Ware
Erik Mitchell
Clarke Mundlenke
Alan Langnas
Thomas Tiffany
Barb Varney
Cindy Schabon
Christi Kjar
Korby Mitchell

Representing:

Introducer
Nebraska Organ Recovery System
Self
Nebraska Organ Recovery System
Doctor
Doctor
University of Nebraska Medical Center
NE Funeral Director’s Assoc.
Organ Donor Program
New Hearts Transplant
Self
Self

Opponents:

Representing:

Neutral:

John Lindsay
Jim Cunningham

Representing:

NATA
Nebraska Catholic Conference

Summary of purpose and/or changes:

Legislative Bill 246 proposes to adopt new procedures for the handling of organ donation by deceased individuals who are under the jurisdiction of the coroner with the intent of increasing the availability of organs and tissues for medical transplantation.

Specifically, the bill establishes a procedure whereby a coroner or a physician designated by the coroner is required to undertake a preliminary investigation of any deceased individual under the coroner's jurisdiction who is an organ donor to determine if any of the organs to be donated contain evidence of the proximate cause or means of death. This preliminary investigation is required to be conducted within a time period which would allow the donation of any organs not found to contain evidence of the cause of death. Any organs which the coroner does not reasonably believe contain evidence of the cause of death must be released for donation. If a coroner fails to conduct or complete the preliminary investigation required by the act within a reasonable time period, the organ(s) or tissue shall be donated as if the donor was not under the jurisdiction of the coroner.

After completing the preliminary investigation, if a coroner reasonably believes that an organ or tissue scheduled for donation contains evidence of the cause of death, the coroner or a designee is required to attend the removal procedure and make a final determination that:

1. The organ does not contain evidence of the cause of death, and allow the donation to proceed;
2. Request a biopsy be performed on the organ or tissue in question; or
3. Forbid removal of an organ which the coroner has determined contains evidence of the proximate cause or means of death.

If a coroner forbids removal of an organ or tissue, the coroner shall file a written report stating the reasons for such denial within 10 days with the federally designated organ procurement organization for Nebraska. When an organ or tissue is released by the coroner for donation, the coroner may request a sample of the organ or tissue be taken and that copies of any photographs or other documentation made at the time of removal be provided. Additionally, physicians removing an organ for donation are required to provide a report to the coroner covering the removal procedure and any known relationship between the donated organ or tissue to the cause of death. Lastly, the bill provides both civil and criminal immunity for removal of an organ or tissue to any coroner or his or her designee, hospital staff, authorized recovery personnel, and any other person acting in good faith in compliance with the provisions of this bill.

Explanation of amendments, if any:

COMMITTEE AMENDMENT

The committee amendment to LB 246, AM 800, replaces the green copy of the bill and makes the following changes to the bill as introduced:

- Adds a definition of decedent to the act and amends the definition of donor to remove the portion of the definition relating to potential donors. This change was made to address concerns regarding the harvesting of organs from individuals not yet deceased.
- Removes the civil immunity language from the bill as there is already immunity provided for individuals involved in the organ donation process in section 71-4810. The amendment does not remove the immunity from criminal liability for complying with the terms of the act.
- Reorganizes the bill to split it into separate sections so that it is easier to read and understand without changing the substantive provisions in the bill.

Senator Brad Ashford, Chairperson