

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 251

Introduced by Cavanaugh, M., 6; DeBoer, 10; Flood, 19; Hansen, M., 26;
Hilkemann, 4; Hunt, 8; McCollister, 20; Morfeld, 46; Walz,
15; Wayne, 13; Wishart, 27.

Read first time January 11, 2021

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to organ and tissue donation; to amend section
- 2 71-4827, Reissue Revised Statutes of Nebraska, and section 60-494,
- 3 Revised Statutes Cumulative Supplement, 2020; to change the age for
- 4 organ and tissue donation as prescribed; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-494, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 60-494 (1) Each operator's license and state identification card
4 shall include a special notation on the front of the license or card if
5 the licensee or cardholder is at least fourteen ~~sixteen~~ years of age and
6 indicates on the application or issuance certificate under section 60-484
7 or 60-4,144 his or her wish to be an organ and tissue donor.

8 (2) The status as an organ and tissue donor shall continue until
9 amended or revoked by the licensee or cardholder as provided in
10 subsection (4) of this section or section 71-4829. The status as an organ
11 and tissue donor is not changed by the expiration, suspension,
12 cancellation, revocation, or impoundment of the license or card.

13 (3) Any person whose operator's license or state identification card
14 indicates his or her status as an organ and tissue donor may obtain a
15 replacement license or card without a notation of such status. The fee
16 for such replacement license or card shall be the fee provided in section
17 60-4,115.

18 (4) A licensee or cardholder may change his or her status as a donor
19 by indicating the desire that his or her name not be included in the
20 Donor Registry of Nebraska on an application for an operator's license, a
21 state identification card, or a replacement license or card under
22 subsection (3) of this section. A licensee or cardholder may also change
23 or limit the extent of his or her status as a donor by (a) Internet
24 access to the Donor Registry of Nebraska, (b) telephone request to the
25 registry, or (c) other methods approved by the federally designated organ
26 procurement organization for Nebraska.

27 (5) The department shall electronically transfer to the federally
28 designated organ procurement organization for Nebraska all information
29 which appears on the face of an original or replacement operator's
30 license or state identification card except the image and signature of
31 each person whose license or card includes the notation described in

1 subsection (1) of this section.

2 Sec. 2. Section 71-4827, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 71-4827 Subject to section 71-4831, an anatomical gift of a donor's
5 body or part may be made during the life of the donor for the purpose of
6 transplantation, therapy, research, or education in the manner provided
7 in section 71-4828 by:

8 (1) The donor, if the donor is an adult or if the donor is a minor
9 and is:

10 (A) Emancipated; or

11 (B) Authorized under state law to apply for a driver's license and
12 the donor is at least fourteen ~~sixteen~~ years of age;

13 (2) An agent of the donor, unless the power of attorney for health
14 care or other record prohibits the agent from making an anatomical gift;

15 (3) A parent of the donor, if the donor is an unemancipated minor;
16 or

17 (4) The donor's guardian.

18 Sec. 3. Original section 71-4827, Reissue Revised Statutes of
19 Nebraska, and section 60-494, Revised Statutes Cumulative Supplement,
20 2020, are repealed.