

IN THE SENATE

SENATE BILL NO. 1116

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1
2 RELATING TO ORGAN DONOR NOTIFICATION; AMENDING SECTION 39-3413, IDAHO CODE,
3 TO DEFINE A TERM, TO REVISE TERMINOLOGY, TO PROVIDE THAT CERTAIN INFOR-
4 MATION REGARDING DONORS SHALL BE GIVEN TO DISPATCH AGENCIES, THE IDAHO
5 STATE COMMUNICATION CENTER AND ORGAN PROCUREMENT ORGANIZATIONS, TO
6 PROVIDE A CORRECT CODE REFERENCE AND TO REVISE A PROVISION RELATING TO
7 PENALTIES.

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 39-3413, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 39-3413. SEARCH AND NOTIFICATION. (1) For purposes of this section,
12 "first responder" means a law enforcement officer, firefighter, emergency
13 medical services provider, coroner or other emergency rescuer.

14 (2) The following persons shall make a reasonable search of an individ-
15 ual who the person reasonably believes is dead or near death for a document of
16 gift or other information identifying the individual as a donor or as an in-
17 dividual who made a refusal:

18 (a) ~~A law enforcement officer, firefighter, paramedic or other emer-~~
19 ~~gency rescuer~~ first responder finding the individual; and

20 (b) If no other source of the information is immediately available, a
21 hospital, as soon as practical after the individual's arrival at the
22 hospital.

23 (3) For all individuals identified as a donor, the first responder re-
24 sponsible for determining that a deceased individual may be transported from
25 the out-of-hospital scene shall, as soon as reasonably possible, notify the
26 dispatch agency providing primary communication with the first responder on
27 scene the location that the deceased has been or will be transported to and
28 shall include the deceased individual's name if known. The dispatch agency
29 receiving such information shall, as soon as reasonably possible, notify
30 the Idaho state communication center of the information it has received.
31 The Idaho state communication center shall, as soon as reasonably possible,
32 notify the appropriate organ procurement organization, tissue bank or eye
33 bank.

34 (24) If a document of gift or a refusal to make an anatomical gift is lo-
35 cated by the search required by subsection (2) (a) of this section and the
36 individual or deceased individual to whom it relates is taken to a hospital,
37 the person responsible for conducting the search shall send the document of
38 gift or refusal to the hospital.

39 (35) A person is not subject to criminal or civil liability for failing
40 to discharge the duties imposed by this section ~~but may be subject to admin-~~
41 ~~istrative sanctions.~~