

IN THE SENATE

SENATE BILL NO. 1116, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

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

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

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

10 39-3413. SEARCH AND NOTIFICATION. (1) For purposes of this section,
11 "first responder" means a law enforcement officer, firefighter, emergency
12 medical services provider, coroner or other emergency rescuer.

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

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

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

22 (3) Following the determination that an individual is deceased by a
23 person qualified to do so, such person shall, as soon as reasonably possi-
24 ble, notify the Idaho state communication center of the location where the
25 deceased will be or has been transported to and include the deceased individ-
26 ual's name and date of birth if known. The Idaho state communication center
27 shall, as soon as reasonably possible, notify the appropriate organ procure-
28 ment organization, tissue bank or eye bank.

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

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