

IN THE SENATE

SENATE BILL NO. 1116, As Amended, As Amended in the House

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) For all individuals identified as a donor, following the determi-  
23 nation that an individual is deceased by a person qualified to do so, such  
24 person shall, as soon as reasonably possible, notify the Idaho state com-  
25 munication center of the location where the deceased will be or has been  
26 transported to and include the deceased individual's name and date of birth  
27 if known. The Idaho state communication center shall, as soon as reasonably  
28 possible, notify the appropriate organ procurement organization, tissue  
29 bank or eye bank.

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

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