

STAND. COM. REP. NO.

2335

Honolulu, Hawaii

FEB 14 2008

RE: S.B. No. 2099  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 2099  
entitled:

"A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS,"

begs leave to report as follows:

The purpose of this measure is to help save lives and  
increase the number of organ donations by improving the system  
currently in place for anatomical gift donations.

Specifically, this measure revises and updates the original  
Uniform Anatomical Gift Act. Further, this measure is limited in  
scope to donations from deceased donors as a result of gifts made  
before or after death and enables anatomical gifts to be donated  
in the absence of a document of gift as currently required.

Your Committee received testimony in support of this measure  
from the Organ Donor Center of Hawaii; the Hawaii Coalition on  
Donation; Case Management Professionals, Inc.; and the Commission  
to Promote Uniform Legislation.

Your Committee finds that this measure provides the necessary  
statutory uniformity that will enable the system currently in  
place for anatomical gift donations to be much more efficient. It  
will help to increase the number of available organs and tissues  
for transplantation that will save the lives of patients in need  
of organ transplants.

Your Committee has amended this measure by:

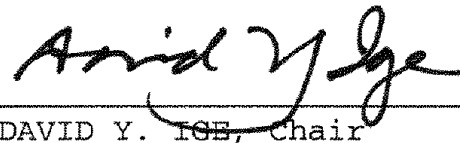
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- (1) Deleting language requiring the medical examiner or coroner or designee to "make every effort" and replacing it with language requiring a "reasonable effort" to conduct a post-mortem examination of the body or the part, or to attend the removal procedure for the part before making a final determination;
- (2) Amending section 327-T in section 1 to address conflict resolution where a prospective donor's declaration or advanced health care directive is in conflict with the express or implied terms of a potential anatomical gift regarding the medical suitability of the part; and
- (3) Making technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2099, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2099, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,

  
\_\_\_\_\_  
DAVID Y. IGE, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:* <i>SB 2099</i>	Committee Referral: <i>HTH, JDL</i>	Date: <i>02-06-08</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
FUKUNAGA, Carol (VC)	✓			
BAKER, Rosalyn H.	✓			
MENOR, Ron	✓			
WHALEN, Paul	✓			
<b>TOTAL</b>	<i>5</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Carol Fukunaga</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes