

JAN 25 2010

S.B. NO. 2774

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# A BILL FOR AN ACT

RELATING TO ANATOMICAL GIFTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. For patients in Hawaii living with acquired  
2 immune deficiency syndrome (AIDS) or human immunodeficiency  
3 virus (HIV), organ transplants are not an available option.  
4 However, people with AIDS or HIV are at greater risk for  
5 developing liver disease or viral hepatitis, which can lead to  
6 the need for an organ transplant. Additionally, the medications  
7 used to treat AIDS and HIV may contribute to the disease, for  
8 example, putting more stress on the liver. Thirty per cent of  
9 people with HIV will have some form of liver disease, usually  
10 with infection by either hepatitis B or hepatitis C.

11           Twenty-five years ago, AIDS patients were not expected to  
12 live long enough to receive a transplant. But with powerful new  
13 drugs and patients living a longer and healthier life, the  
14 arduous experience of enduring an organ transplant is more  
15 feasible. The United Network for Organ Sharing and a 2002  
16 article in the New England Journal of Medicine both assert that  
17 people with HIV should be considered for transplants and there



1 is no evidence of poorer survival rate. Presently, the  
2 University of California San Francisco coordinates seventeen  
3 centers across the country to service people with HIV.

4 The legislature finds that patients living with AIDS or  
5 HIV, who meet other eligibility requirements, should be given  
6 the same consideration as other patients.

7 The purpose of this Act is to require that:

8 (1) Persons diagnosed with HIV or AIDS not be  
9 automatically excluded from organ transplant  
10 consideration; and

11 (2) Any procurement organization operating in the State  
12 maintain a list of potential donors who are considered  
13 high risk or are also diagnosed with HIV or AIDS, to  
14 serve as potential donors for persons diagnosed with  
15 HIV or AIDS.

16 SECTION 2. Chapter 327, Hawaii Revised Statutes, is  
17 amended by adding a new section to part IV to be appropriately  
18 designated and to read as follows:

19 "§327- Recipients of anatomical gifts; eligibility  
20 requirements. (a) Any person that has a human immunodeficiency  
21 virus (HIV) infection or acquired immune deficiency syndrome  
22 (AIDS) shall be eligible for receipt of an anatomical gift



1 regardless of an HIV or AIDS diagnosis; provided that any person  
2 with HIV or AIDS may be determined ineligible based upon other  
3 standard criteria. Any procurement organization, as defined in  
4 section 327-2, operating in the State may maintain separate  
5 eligibility lists for persons with HIV or AIDS.

6 (b) Any procurement organization operating in the State  
7 shall maintain a donor registry, as defined in section 327-2,  
8 including those persons who wish to donate but are determined to  
9 be:

- 10 (1) High risk; or  
11 (2) A person with HIV or AIDS."

12 SECTION 3. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Will Zygar



**Report Title:**

Anatomical Gifts; HIV; AIDS

**Description:**

Prevents persons with HIV or AIDS from being automatically excluded from organ transplants due to their diagnosis; requires that any procurement organization in the State to maintain donor lists including high risk donors and persons with HIV or AIDS.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

