

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1082

Introduced by Gragert, 40.

Read first time January 18, 2022

Committee: Natural Resources

1 A BILL FOR AN ACT relating to organ and tissue donation; to amend section
2 71-4822, Reissue Revised Statutes of Nebraska; to provide powers and
3 duties to the Game and Parks Commission; to require the Game and
4 Parks Commission to provide certain information relating to organ
5 and tissue donation on applications for certain hunting and fishing
6 permits; to require the Game and Parks Commission to transfer
7 certain hunting and fishing permit information relating to organ and
8 tissue donation; to harmonize provisions; and to repeal the original
9 section.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) Beginning January 1, 2023, when a Nebraska resident
2 at least sixteen years of age applies for an annual hunting permit or
3 annual fishing permit, the Game and Parks Commission shall distribute a
4 brochure provided by an organ and tissue procurement organization
5 approved by the Department of Health and Human Services containing a
6 description and explanation of the Revised Uniform Anatomical Gift Act to
7 each person applying for a permit who has not previously provided a
8 response under subsection (2) of this section. If the application for a
9 permit is made through the Internet, a link to an electronic copy of the
10 brochure shall be provided.

11 (2) The application for an annual hunting permit or annual fishing
12 permit shall contain the following question: Do you wish to include your
13 name in the Donor Registry of Nebraska and donate your organs and tissues
14 at the time of your death? The Game and Parks Commission shall record
15 such response in an electronic database if the permit applicant is at
16 least sixteen years of age and indicates on the application whether he or
17 she wishes to be an organ and tissue donor. Submitting an application
18 indicating that the permit applicant wishes to be a donor shall
19 constitute an authorization under subsection (b) of section 71-4828.

20 (3) A person may change his or her status as a donor by (a) Internet
21 access to the Donor Registry of Nebraska, (b) telephone request to the
22 registry, or (c) other methods approved by the federally designated organ
23 procurement organization for Nebraska. The Game and Parks Commission
24 shall provide information on its website on how a person may change such
25 person's donor status.

26 (4) The Game and Parks Commission shall electronically transfer to
27 the federally designated organ procurement organization for Nebraska the
28 first and last name, date of birth, gender, address, city, state, zip
29 code, email address if provided, date of registration, and the unique
30 user identification number of each person who agreed to make an
31 anatomical gift under subsection (2) of this section.

1 (5) An anatomical gift made through the process described in
2 subsection (2) of this section shall be considered made at the time the
3 application is submitted regardless of when the information described in
4 subsection (4) of this section is transferred.

5 (6) No person shall obtain information about an applicant's response
6 as described in subsection (2) of this section except to facilitate the
7 donation process. General statistical information may be provided upon
8 request to the federally designated organ procurement organization for
9 Nebraska.

10 (7) The Game and Parks Commission may adopt rules and regulations
11 necessary to carry out the provisions of this section.

12 Sec. 2. Section 71-4822, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 71-4822 (1) The federally designated organ procurement organization
15 for Nebraska shall use the information received from the Department of
16 Motor Vehicles under section 60-494 and the Game and Parks Commission
17 under section 1 of this act to establish and maintain the Donor Registry
18 of Nebraska. A procurement organization located outside of Nebraska may
19 obtain information from the Donor Registry of Nebraska when a Nebraska
20 resident is listed as a donor on the registry and is not located in
21 Nebraska immediately preceding or at the time of his or her death. The
22 federally designated organ procurement organization for Nebraska may
23 receive donor information from sources other than the Department of Motor
24 Vehicles and shall pay all costs associated with creating and maintaining
25 the Donor Registry of Nebraska.

26 (2) It is the intent of the Legislature that the Donor Registry of
27 Nebraska facilitate organ and tissue donations and not inhibit such
28 donations. A person does not need to be listed on the Donor Registry of
29 Nebraska to be an organ and tissue donor.

30 (3) No person shall obtain information from the Donor Registry of
31 Nebraska for the purpose of fundraising or other commercial use.

1 Information obtained from the Donor Registry of Nebraska may only be used
2 to facilitate the donation process at the time of the donor's death.
3 General statistical information may be provided upon request to the
4 federally designated organ procurement organization for Nebraska.

5 Sec. 3. Original section 71-4822, Reissue Revised Statutes of
6 Nebraska, is repealed.