

2024 Regular Session

SENATE BILL NO. 411

BY SENATOR KLEINPETER

WILDLIFE/FISHERIES DEPT. Requires the Department of Wildlife & Fisheries to notify applicants for recreational fishing and hunting licenses of the option to become an organ and tissue donor and make an organ donation. (8/1/24)

1 AN ACT

2 To amend and reenact R.S. 17:2351(6), 2354(A)(1) and (C), and 2354.8(B) and to enact R.S.
3 17:2351(32) and (33) and R.S. 56:3000(K), relative to anatomical gifts; to provide
4 for definitions; to provide for license application requirements; to provide for
5 information availability; to provide for indication of donor status; to provide for
6 anatomical gift statements; to provide for special wishes; to provide for revocation;
7 to provide for limitation of liability; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. This Act shall be known and may be cited as "Willie's Law".

10 Section 2. R.S. 17:2351(6), 2354(A)(1) and (C), and 2354.8(B) are hereby amended
11 and reenacted and R.S. 17:2351(32) and (33) are hereby enacted to read as follows:

12 §2351. Definitions

13 As used in this Part, the following terms have the following meanings:

14 * * *

15 (6) "Document of gift" means a donor card or other record used to make an
16 anatomical gift. The term includes a statement or symbol on a driver's license,
17 identification card, **fishing license, hunting license**, or donor registry.

* * *

(32) "Fishing license" means a license or permit issued by the Louisiana Department of Wildlife and Fisheries to fish as defined in R.S. 56:8(55), for a recreational purpose as defined in R.S. 56:8.

(33) "Hunting license" means a license or permit issued by the Louisiana Department of Wildlife and Fisheries to hunt, as defined in R.S. 56:8, for a recreational purpose as defined in R.S. 56:8.

* * *

§2354. Manner of executing anatomical gift prior to death of donor

A. A donor may make an anatomical gift by any of the following:

(1) Authorizing a statement or symbol indicating that he has made an anatomical gift to be imprinted on his driver's license, **identification card, fishing license,** or ~~identification card~~ **hunting license.**

* * *

C. Revocation, suspension, expiration, or cancellation of a driver's license, **identification card, fishing license,** or ~~identification card~~ **hunting license** upon which an anatomical gift is indicated does not invalidate the gift.

* * *

§2354.8. Donor registry

* * *

B. The Louisiana Department of Public Safety and Corrections, office of motor vehicles, **and the Louisiana Department of Wildlife and Fisheries** shall cooperate with any person administering any donor registry that this state establishes, contracts for, or recognizes for the purpose of transferring to the donor registry all relevant information regarding the making, amendment to, or revocation of an anatomical gift.

* * *

Section 3. R.S. 56:3000(K) is hereby enacted to read as follows:

§3000. Recreational license requirements; definitions

1 * * *

2 K. (1)(a) The Department of Wildlife and Fisheries shall give the widest
3 possible dissemination to the anatomical donation program relating to all
4 organs and tissues, and shall make whatever provisions are feasible and
5 desirable, through its recreational licensing apparatus, to enable persons
6 desiring to make such anatomical donations to confirm their desires and
7 intentions through the use of suitable documents. Additionally any recreational
8 fishing license or hunting license issued by the department shall contain an
9 indication thereon whether the named applicant has elected to make an
10 anatomical gift pursuant to the provisions of this Chapter or R.S. 17:2351 et
11 seq., with an indication made by placing an "X" in the box adjacent to the term
12 "anatomical gift".

13 (b) For recreational fishing license or hunting license applicants who
14 wish to indicate a donor special wish or limitation, instruction for doing so shall
15 be made available to the applicant.

16 (2) Any applicant who has not yet made an election to be an organ and
17 tissue donor shall be asked at the time of application if he would like to make
18 an anatomical gift. The applicant may elect to make an anatomical gift as part
19 of the Louisiana Donor Registry.

20 (3) An anatomical gift made pursuant to this Subsection may be revoked
21 as provided in R.S. 17:2351 et seq.

22 (4) The state or any of its agencies, departments, or political subdivisions
23 shall not be liable in damages or otherwise for any removal or use of any
24 anatomical gift made pursuant to this Subsection.

25 (5) The attending physician, and the hospital where an anatomical gift
26 is made or was to be made, shall not be liable for the removal, use, or the failure
27 to remove or use any anatomical gift made pursuant to this Subsection.

28 (6) Except as otherwise provided in this Subsection, the document of
29 donation and the donation shall be made pursuant to R.S. 17:2351 et seq.

The original instrument was prepared by Jacob Wilson. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

DIGEST

SB 411 Reengrossed 2024 Regular Session Kleinpeter

Proposed law is known as "Willy's Law".

Present law provides for the making and revocation of anatomical gifts and provides definitions.

Proposed law retains present law and adds definitions for "fishing license" and "hunting license".

Present law provides methods for indicating anatomical gift authorization on driver's licenses and identification cards.

Proposed law retains present law and adds indications for fishing and hunting licenses.

Present law provides that invalidation of a driver's license or identification card does not invalidate an anatomical gift.

Proposed law retains present law and adds fishing and hunting licenses.

Present law requires the office of motor vehicles to cooperate with the donor registry in providing information relevant to anatomical gifts.

Proposed law retains present law and also requires that Dept. of Wildlife and Fisheries (LDWF) cooperate with the registry.

Proposed law requires that LDWF provide information on anatomical donations through its recreational licensing system and that applicants for recreational fishing and hunting licenses who are not registered donors be provided an opportunity to make a donation. Further requires that information on special wishes and limitations be provided to applicants.

Proposed law provides that the applicant's response will be indicated on their fishing or hunting license. Further provides that the gift may be revoked as provided in present law.

Proposed law provides that the state is not liable for removal or use of anatomical gifts pursuant to proposed law. Further provides that physicians and medical facilities are not liable for removal, use, or failure to remove or use gifts pursuant to proposed law.

Proposed law requires that donations be documented in accordance with present law.

Effective August 1, 2024.

(Amends R.S. 17:2351(6), 2354(A)(1) and (C), and 2354.8(B); adds R.S. 17:2351(32) and (33) and R.S. 56:3000(K))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the engrossed bill

1. Removes language regarding "No Response".
2. Removes language regarding naming of donees.

Senate Floor Amendments to engrossed bill

1. Make technical corrections.