

SENATE BILL NO. 252

BY SENATOR PRESSLY

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AN ACT

To amend and reenact R.S. 32:410(B), relative to anatomical gifts; to provide for clarification relative to anatomical gift authorization; to provide for refusal of donation of anatomical gifts; to provide for procedures relating to anatomical gifts; to provide for record keeping by the Department of Public Safety and Corrections, relative to anatomical gifts; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:410(B) is hereby amended and reenacted to read as follows:

§410. Form of license; photograph, signature of licensee, anatomical gift statement, declaration of life-sustaining procedures, interest in bone marrow donation, and additional information on license

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~~B.(1)(a) The Department of Public Safety and Corrections shall give the widest possible dissemination to the anatomical donation program relating to eyes, kidneys, entire bodies, etc., and shall make whatever provisions are feasible and desirable, through its drivers licensing examining offices, to enable persons desiring to make such anatomical donations to confirm their desires and intentions through the use of suitable documents to be maintained and issued in all driver's license~~

1           ~~examining offices. Additionally the license issued by the department shall contain~~  
2           ~~an indication thereon whether or not the named applicant has elected to make an~~  
3           ~~anatomical gift pursuant to the provisions of this Chapter or R.S. 17:2351 et seq.,~~  
4           ~~said indication to be by placing an "X" in the appropriate box marked "Yes" or "No"~~  
5           ~~under or adjacent to the term "anatomical gift".~~

6           ~~(b) The following information shall be made available free of charge to~~  
7           ~~applicants for a driver's license on a form to be promulgated by the department and~~  
8           ~~maintained on file with the department:~~

9           ~~(i) An anatomical gift statement indicating the organs donated for the purpose~~  
10          ~~of transplantation or transplantation research;~~

11          ~~(ii) A space for indicating any limitation or special wish of the donor; and~~

12          ~~(iii) The signature of the donor and the witnesses to the signature of the~~  
13          ~~donor.~~

14          ~~(c) If the applicant elects not to execute an anatomical gift statement at the~~  
15          ~~time of application, the statement shall remain blank when presented to the licensee~~  
16          ~~so it can be executed by the licensee at any time after the license is issued. No other~~  
17          ~~form or statement shall be required for the purpose of providing for the donation of~~  
18          ~~organs.~~

19                 The Department of Public Safety and Corrections shall make provisions  
20                 through its driver's license examining offices that enable persons desiring to  
21                 make anatomical donations to confirm their desires and intentions through the  
22                 use of suitable documents to be maintained and issued in all driver's license  
23                 examining offices. The department shall provide to each applicant for a driver's  
24                 license or identification card information presented in equivalent form and  
25                 manner, without characterization, recommendation, or emphasis favoring  
26                 authorization or refusal, regarding the option to make or refuse an anatomical  
27                 gift, and shall provide the applicant the opportunity to indicate authorization  
28                 for an anatomical gift, refusal to make an anatomical gift, or no selection. Any  
29                 indication made by an applicant under this Subparagraph shall be recorded in  
30                 a manner prescribed by the department and shall have the effect provided by

1 law governing anatomical gifts, refusals, and donor registries. Additionally, the  
2 license issued by the department shall contain a clear indication of whether the  
3 named applicant has authorized an anatomical gift, refused to make an  
4 anatomical gift, or made no selection, displayed by placement of an "X" or  
5 other clearly visible marking in the appropriate box corresponding to the  
6 applicant's selection under or adjacent to the term "anatomical gift". No  
7 applicant shall be required to make a selection as a condition of issuance or  
8 renewal of a driver's license or identification card.

9 (b) The following information shall be made available, without charge,  
10 to each applicant on a form promulgated by the department and maintained on  
11 file by the department:

12 (i) A statement describing the option to make an anatomical gift for  
13 transplantation or transplantation research and the option to refuse to make an  
14 anatomical gift.

15 (ii) A space for the applicant to indicate authorization for an anatomical  
16 gift, refusal to make an anatomical gift, or no selection, including any limitation  
17 or special instruction the applicant chooses to express.

18 (iii) A space for the signature of the applicant and, where required by  
19 law, any required witness or attestation.

20 (c) If an applicant makes no selection under Subparagraph (a) of this  
21 Paragraph at the time of application or renewal, no authorization or refusal  
22 shall be inferred. The absence of a selection shall not constitute authorization  
23 for an anatomical gift, a refusal to make an anatomical gift, or a revocation of  
24 any prior authorization or refusal, and shall have no independent legal effect  
25 under R.S. 17:2351 et seq.

26 \* \* \*

27 Section 2. This Act shall be known and may be cited as the "Driver's License  
28 Anatomical Gift Consent Clarity Act".

29 Section 3. If any provision or item of this Act, or the application thereof, is held  
30 invalid, such invalidity shall not affect other provisions, items, or applications of the Act

1 which can be given effect without the invalid provision, item, or application and to this end  
2 the provisions of this Act are hereby declared severable.

3 Section 4. This Act shall become effective on June 1, 2027.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_