

CHAPTER 4**(HB 255)**

AN ACT relating to anatomical gifts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

- (1) If an anatomical gift is made in Kentucky for organ transplantation for which the donor does not name a specific donee, and if the organ is deemed suitable for transplantation, the organ shall be donated to the organ procurement organization designated by the Federal Health Care Financing Administration as the organ procurement organization for the county in which the gift is made. The organ procurement organization shall use its best efforts to determine if there is a suitable recipient listed at a transplant center in a county for which it is the designated organ procurement organization.*
- (2) Any organ procurement organization operating in Kentucky may enter into a reciprocal agreement for the sharing of organs with one (1) or more qualified organ procurement organizations located in other states, if the organ procurement organization considers the agreement advisable, necessary, or expedient, and consistent with the best interests of Kentucky citizens who are awaiting transplantation. Before the organ procurement organization enters into a reciprocal agreement, it shall obtain approval of the proposed agreement from the United Network for Organ Sharing, or its successor, acting as the Organ Procurement and Transplantation Network as designated by the United States Department of Health and Human Services.*
- (3) To avoid the wasting of donated organs, to avoid futile transplants, to promote patient access to transplantation, and to promote the efficient management of organ placement, except as otherwise provided by any agreement entered into under subsection (2) of this section, an organ procurement organization in Kentucky shall not be mandated to transfer an organ for transplantation to an out-of-state organ procurement organization or to a transplant recipient at a transplant center outside its designated service area if a suitable recipient can be identified at a transplant center within its service area. Approved February 9, 2000*

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