

McKean, Maddox, Dearden

SSB 3094  
State Government

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED SECRETARY OF  
STATE BILL)

Succeeded By  
(SF) HF 2195

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to campaign finance law, including electronic  
2 filing of disclosure reports by certain candidates, requiring  
3 certain supplemental reports, providing for disclosures in  
4 relation to certain political telephone communications,  
5 requiring disclosure of certain information in conjunction  
6 with certain contributions, providing an effective date, and  
7 applying a penalty.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 56.2, Code 2001, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 8A. "Computer" means an electronic device  
4 that performs logical, arithmetical, and memory functions by  
5 manipulations of electronic or magnetic impulses, and includes  
6 all functions, connections, and connected and related devices  
7 that assist in input, output, processing, storage, computer  
8 programs, computer applications, and communication.

9 NEW SUBSECTION. 13A. "Electronic format" means data in a  
10 form that is readable by a computer and the computer's  
11 software programs, and is either entered directly into a  
12 computer or transmitted via computer disk, modem, or internet.

13 NEW SUBSECTION. 15A. "General election cycle" means the  
14 period of time between the general election for a particular  
15 office, and the next general election for that office.

16 NEW SUBSECTION. 15B. "Internet" means the federated  
17 system of allied computer networks linked by telecommunication  
18 channels that is the international network of the network that  
19 connects educational, scientific, and commercial institutions,  
20 and that may also be accessed by individuals.

21 Sec. 2. Section 56.6, subsection 1, paragraph b, Code  
22 2001, is amended by striking the paragraph and inserting in  
23 lieu thereof the following:

24 b. (1) All candidate's committees shall file a  
25 supplemental report seven days before any election. If a  
26 committee is required to file electronically pursuant to  
27 section 56.6A, then the supplemental report must be filed  
28 electronically by 5 p.m. of the day the report is due. If a  
29 committee is not required to file electronically, then its  
30 report shall be filed on the day the report is due, or filed  
31 by mail, bearing a United States postal service postmark date  
32 of at least seven days before the election.

33 (2) Any candidate's committee that receives one or more  
34 contributions of one thousand dollars or more during the last  
35 seven days before any election shall file a supplemental

1 report within twenty-four hours of receiving each such  
2 contribution by sending a list of all such contributions  
3 received during the preceding twenty-four hours via facsimile  
4 or via the internet, by means of electronic mail or other  
5 method utilized by the board, by 5 p.m. of the day following  
6 receipt of the contributions.

7 (3) All supplemental reports required under this paragraph  
8 shall be filed with the entity with whom the committee files  
9 disclosure reports under paragraph "a".

10 (4) The information contained in all supplemental reports  
11 required under this paragraph shall be made available on the  
12 internet the day it is received by the board. However, if the  
13 report is received on a Friday, Saturday, or Sunday, the  
14 report shall be made available on the internet by 5:00 p.m. on  
15 the following Monday.

16 Sec. 3. Section 56.6, subsection 3, paragraph i, Code  
17 2001, is amended to read as follows:

18 i. If a person making a contribution to a candidate's  
19 committee is listed under paragraph "b", "d", "e", or "f" as  
20 making-a-contribution-or-loan-to-or-purchase-from-a  
21 candidate's-committee and meets either of the following  
22 criteria, the information relating to the person's status  
23 shall also be disclosed, as follows:

24 (1) If the person is related to the candidate within the  
25 third degree of consanguinity or affinity, the existence of  
26 that person's family relationship shall be indicated on the  
27 report.

28 (2) If the amount of the contribution to the candidate's  
29 committee equals or exceeds two hundred dollars, then the  
30 person's occupation and employer shall be indicated on the  
31 report. A person who is a student, is retired, or is  
32 otherwise not employed outside of the home shall provide a  
33 brief description of the person's current function or status  
34 as an occupation, and shall indicate that the person presently  
35 has no employer.

1 When the treasurer of a candidate's committee shows that  
2 best efforts have been used to obtain, maintain, and submit  
3 this information, any report of that committee shall be  
4 considered in compliance with this section. A committee will  
5 only be deemed to have exercised best efforts to obtain,  
6 maintain, and report the required information if all written  
7 solicitations for contributions include a clear request for  
8 the contributor's full name, mailing address, occupation, and  
9 name of employer, and include an accurate statement of the law  
10 regarding the collection and reporting of individual  
11 contributor identifications. For each contribution received  
12 that, in the aggregate equals or exceeds two hundred dollars  
13 per calendar year that lacks required contributor information,  
14 the treasurer shall make at least one effort after the receipt  
15 of the contribution to obtain the missing information. The  
16 effort shall consist of either a written request sent to the  
17 contributor or an oral request to the contributor documented  
18 in writing. The written or oral request shall be made no  
19 later than thirty days after receipt of the contribution.

20 Sec. 4. NEW SECTION. 56.6A ELECTRONIC FILING AND  
21 ACCESSIBILITY OF DISCLOSURE REPORTS.

22 1. Reports filed with the board pursuant to the  
23 requirements of section 56.6 shall be filed in an electronic  
24 format, according to the following:

25 a. Any candidate or political committee may submit data  
26 required by section 56.6 in an electronic format, as  
27 prescribed by rule.

28 b. Any candidate, candidate's committee, or political  
29 committee that accepts contributions in excess of twenty  
30 thousand dollars in the aggregate, makes expenditures in  
31 excess of twenty thousand dollars in the aggregate, or incurs  
32 indebtedness in excess of twenty thousand dollars in the  
33 aggregate in any general election cycle shall submit the data  
34 required by section 56.6 in an electronic format, by 5 p.m. of  
35 the day the filing is due, as prescribed by rule.

1        2. If any candidate for a particular office submits data  
2 in an electronic format, then the data for all other  
3 candidates for that office shall be maintained in an  
4 electronic format, as prescribed by rule. The data for any  
5 candidate for that office that was not voluntarily submitted  
6 to the board in an electronic format by the candidate or the  
7 candidate's committee shall be entered into the computer  
8 database by the board.

9        3. All campaign finance data that is submitted to the  
10 board in an electronic format or is otherwise entered into the  
11 computer database shall be accessible to the public on the  
12 internet on the day the data is filed in a database searchable  
13 by candidate or committee name, by contribution amount, or by  
14 contributor name. However, data that is filed on a Friday,  
15 Saturday, or Sunday shall be made available on the internet by  
16 5:00 p.m. on the following Monday.

17       4. The board shall provide for appropriate training for  
18 candidates, candidate's committee treasurers, and other  
19 persons designated by the candidate.

20       Sec. 5. NEW SECTION. 56.14A DISCLOSURES RELATED TO  
21 POLITICAL TELEPHONE CALLS.

22       1. The general assembly finds that political telephone  
23 communication is increasingly used in political campaigns in  
24 this state in a deceptive manner, including but not limited to  
25 the use of the push-polling technique, where an anonymous  
26 telephone communication is designed to appear as a legitimate  
27 opinion poll, but is in fact used as a vehicle to sway opinion  
28 through innuendo, by the communication of certain negative  
29 information related to a candidate or ballot issue in a manner  
30 designed to suggest that such information may be true. The  
31 general assembly declares that a compelling public interest  
32 exists to identify the source of funding of telephonic  
33 communications related to elections, in order to prevent  
34 corruption and deceit at the expense of the electorate and to  
35 preserve accountability for expenditures made in connection

1 with political campaigns.

2 2. A person who initiates a telephone communication  
3 related to the nomination, election, or defeat of a clearly  
4 identified candidate for public office or the passage or  
5 defeat of a clearly identified constitutional amendment or  
6 ballot issue shall disclose all of the following at or before  
7 the end of the telephone communication:

8 a. The name of the individual who is calling and the  
9 entity with which the individual is affiliated, if any.

10 b. The individual or entity that paid for the telephone  
11 communication, if any. If a registered committee has paid for  
12 or authorized the telephone communication, the name of the  
13 committee shall be disclosed. If any person other than the  
14 candidate or candidate's committee intended to benefit from  
15 the communication has paid for the telephone communication,  
16 the communication shall also state whether or not the  
17 communication has been authorized by the candidate intended to  
18 benefit from the communication.

19 c. Upon request of the call recipient, the name, telephone  
20 number, and address of an individual whom the call recipient  
21 can contact for further information regarding the telephone  
22 communication shall be disclosed.

23 3. This section shall not apply to political telephone  
24 communications made by an individual who is acting  
25 independently and not at the direction of or in cooperation  
26 with any candidate, candidate's committee, political  
27 committee, or other person.

28 Sec. 6. EFFECTIVE DATE. Section 4 of this Act, enacting  
29 new Code section 56.6A, is effective January 1, 2003.

30 EXPLANATION

31 This bill implements new Code section 56.6A, relating to  
32 electronic filing and disclosure of campaign finance  
33 disclosure reports. Mandatory filing requirements are  
34 effective January 1, 2003.

35 Effective January 1, 2003, mandatory filing is instituted

1 for all candidates and committees that reach a \$20,000  
2 threshold. The board is directed to provide appropriate  
3 training for candidates, treasurers, and other persons  
4 designated by the candidate. If any candidate for a  
5 particular office submits data in an electronic format, then  
6 all data for all other candidates for that office will be  
7 maintained in an electronic format. The data for any  
8 candidate for that office that was not voluntarily submitted  
9 to the board in an electronic format by the candidate or the  
10 candidate's committee shall be entered into the computer  
11 database by the board. Any candidate or committee may submit  
12 their data in electronic format, if desired.

13 Effective January 1, 2003, the bill requires all campaign  
14 finance data that is submitted to the board in an electronic  
15 format or is otherwise entered into the computer database to  
16 be accessible to the public on the internet in a database  
17 searchable by candidate or committee name, or by contributor  
18 name. Electronic filing shall be made by 5 p.m. on the day  
19 the filing is due, and the information shall be made available  
20 to the public via the internet on the same day, unless filed  
21 on a Friday, Saturday, or Sunday, in which case it shall be  
22 made available by 5 p.m. on the following Monday.

23 Definitions are added to Code section 56.2 regarding  
24 "computer", "electronic format", "internet", and "general  
25 election cycle", to facilitate the new filing requirements.

26 Code section 56.6 is amended to provide for disclosure and  
27 reporting of the occupation and employer of contributors of  
28 \$200 or more. The amendment includes a "best efforts"  
29 requirement for committees to obtain such information,  
30 consistent with federal regulations for similar reporting  
31 requirements.

32 Code section 56.6 is also amended to provide for  
33 supplemental reports by all candidates seven days before any  
34 election for the office the candidate is seeking. In  
35 addition, all candidates receiving one or more individual

1 contributions of \$1,000 or more during the last seven days  
2 before the election shall file a supplemental report by faxing  
3 or e-mailing a list of all such contributions received in the  
4 preceding 24 hours. The information shall be made available  
5 on the internet the same day, unless filed on a Friday,  
6 Saturday, or Sunday, in which case it shall be made available  
7 by 5 p.m. on the following Monday.

8 New Code section 56.14A requires the disclosure of certain  
9 information at the end of political telephone communications  
10 that relate to the nomination, election, or defeat of a  
11 candidate or passage or defeat of a ballot issue. The name  
12 and affiliation of the caller, the individual, committee, or  
13 entity that paid for the telephone communications, and whether  
14 a candidate who will benefit from the communications has  
15 authorized the communications must be disclosed. The name,  
16 address, and telephone number of an individual whom the person  
17 can contact for further information regarding the  
18 communications must also be disclosed upon the request of the  
19 call recipient. The requirements do not apply to individuals  
20 who are acting independently. Violations of this provision  
21 are punishable as a serious misdemeanor under the provisions  
22 of Code section 56.16, which applies to all violations of Code  
23 chapter 56. Serious misdemeanors are punishable by a penalty  
24 of a fine of \$250 to \$1,500, and may also include a sentence  
25 of up to one year in jail.

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FILED FEB 15 2002

SENATE FILE **2195**  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 3049)

Passed Senate, Date <sup>(P. 438)</sup> 2/27/02 Passed House, Date <sup>(P. 863)</sup> 3/19/02  
Vote: Ayes 48 Nays 0 Vote: Ayes 92 Nays 0  
Approved April 4, 2002

**A BILL FOR**

1 An Act relating to the uniform anatomical gift Act including the  
2 document of gift, the release of identifying information,  
3 donors other than the subject of the donation, and immunity  
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF 2195

**SENATE FILE 2195**

S-5070

- 1 Amend Senate File 2195 as follows:
- 2 1. Page 4, line 8, by inserting after the word
- 3 "hospital," the following: "funeral establishment,".
- 4 2. Page 4, line 12, by inserting after the word
- 5 "provider," the following: "funeral director,".

*Adopted*

By JOHN REDWINE

S-5070 FILED FEBRUARY 26, 2002

2-27-02 (P. 438)

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1 Section 1. Section 142C.2, subsection 4, Code Supplement  
2 2001, is amended to read as follows:

3 4. "Document of gift" means a card signed by an individual  
4 donor, a written statement attached to or imprinted or noted  
5 on a driver's license or nonoperator's identification card, an  
6 entry in a donor registry, a donor's will, or any other  
7 written document used by a donor to make an anatomical gift.

8 Sec. 2. Section 142C.2, Code Supplement 2001, is amended  
9 by adding the following new subsection:

10 NEW SUBSECTION. 5A. "Donor registry" means the statewide  
11 organ and tissue donor registry established pursuant to  
12 section 142C.18 or a similar registry.

13 Sec. 3. Section 142C.3, subsections 2, 3, and 12, Code  
14 2001, are amended to read as follows:

15 2. An anatomical gift may be made only by completion of a  
16 document of gift or as otherwise provided in this section. If  
17 the prospective donor is a minor fourteen through seventeen  
18 years of age, to be valid, a document of gift shall be signed  
19 by the minor and the minor's parent or legal guardian. If the  
20 document of gift requires the signature of the donor, but the  
21 donor is unable to sign the document, the document of gift  
22 shall be signed by another individual and by two witnesses,  
23 all of whom sign at the direction and in the presence of the  
24 donor, the other individual, and the two witnesses. The  
25 document of gift, including an entry in a donor registry,  
26 shall provide certification that the document has been  
27 executed in the prescribed manner.

28 3. If a donor indicates the wish to become a donor,  
29 pursuant to section 321.189, and the indication is attached to  
30 or imprinted or noted on an individual's driver's license, or  
31 nonoperator's identification card, or if a donor indicates the  
32 wish to become a donor via an entry in a donor registry and  
33 the entry is certified as being executed in the prescribed  
34 manner, the document, including an entry in a donor registry,  
35 shall be considered an-expression-of-intent-for-the-purposes

1 ~~of this section~~ a valid document of gift.

2 12. A document of gift may be in the form of a specific  
3 donor card such as an eye donor card, a uniform donor card, a  
4 driver's license, a nonoperator's identification card, an  
5 entry in a donor registry, a will, or any other written  
6 document executed pursuant to this chapter. A uniform donor  
7 card shall include the options of donating any and all parts,  
8 or any specific part or parts. A uniform donor card may, but  
9 is not required to be, in the following form:

10 UNIFORM DONOR CARD

11 I, ....., have made a commitment to be an anatomical  
12 gift donor.

13 I wish to donate the following:

14 ..... Any needed ..... Only the  
15 part following part  
16 .....

17 Donor Signature ..... Date .....

18 Sec. 4. Section 142C.3, subsection 8, Code 2001, is  
19 amended by striking the subsection and inserting in lieu  
20 thereof the following:

21 8. A document of gift that is not revoked by the donor  
22 prior to the donor's death does not require the consent or  
23 concurrence of any other person after the donor's death and is  
24 sufficient legal authority, following the donor's death, for  
25 the removal of any part donated under the document of gift,  
26 without the consent or concurrence of any other person. A  
27 person, including but not limited to a family member, a  
28 guardian, an attorney in fact named under a durable power of  
29 attorney for health care, or an executor of the donor's  
30 estate, is not authorized to and shall not revoke or in any  
31 way supersede a document of gift that is not revoked by the  
32 donor prior to the donor's death.

33 Sec. 5. Section 142C.4, subsection 2, paragraph a, Code  
34 2001, is amended to read as follows:

35 a. A person in a prior class is available, in person or by

1 telephone contact, at the time of the death of the decedent to  
2 make an anatomical gift.

3 Sec. 6. Section 142C.6, subsection 2, Code 2001, is  
4 amended to read as follows:

5 2. If an anatomical gift is made to a designated donee,  
6 the document of gift, or a copy, may be delivered to the donee  
7 to expedite the appropriate procedures after the death of the  
8 donor. The document of gift, or a copy, may be deposited in  
9 any hospital, organ procurement organization, bank or storage  
10 organization, or donor registry office that accepts the  
11 document of gift for safekeeping or for the facilitation of  
12 procedures after the death of the donor. If a document is  
13 deposited by a donor in a hospital, donor registry, or bank or  
14 storage organization, the hospital or bank or storage  
15 organization may forward the document to an organ procurement  
16 organization which will retain the document for facilitating  
17 procedures following the death of the donor. Upon request of  
18 a hospital, physician, or surgeon, upon or after the donor's  
19 death, the person in possession of the document of gift may  
20 allow the hospital, physician, or surgeon to examine or copy  
21 the document of gift.

22 Sec. 7. Section 142C.7, Code 2001, is amended to read as  
23 follows:

24 142C.7 CONFIDENTIAL INFORMATION.

25 A hospital, licensed or certified health care professional,  
26 pursuant to chapter 148, 148C, 150A, or 152, or medical  
27 examiner may release patient information to an organ  
28 procurement organization, donor registry, or bank or storage  
29 organization as part of a referral or retrospective review of  
30 the patient as a potential donor. Additionally, a medical  
31 examiner or a medical examiner's designee, peace officer, fire  
32 fighter, or emergency medical care provider may release an  
33 individual's identifying information to an organ procurement  
34 organization, donor registry, or bank or storage organization  
35 to determine if the individual is a donor. Any information

1 regarding a patient, including the patient's identity,  
2 however, constitutes confidential medical information and  
3 under any other circumstances is prohibited from disclosure  
4 without the written consent of the patient or the patient's  
5 legal representative.

6 Sec. 8. Section 142C.11, subsection 3, Code 2001, is  
7 amended to read as follows:

8 3. A hospital, health care professional licensed or  
9 certified pursuant to chapter 148, 148C, 150A, or 152, a  
10 medical examiner, or a medical examiner's designee,  
11 technician, enucleator, peace officer, fire fighter, emergency  
12 medical care provider, or other person, who complies with this  
13 chapter in good faith or with the applicable anatomical gift  
14 law of another state, or who attempts in good faith to comply,  
15 is immune from any liability, civil or criminal, which might  
16 result from the making or acceptance of an anatomical gift.

17 EXPLANATION

18 This bill relates to the uniform anatomical gift Act. The  
19 bill defines "document of gift" to include a written statement  
20 attached to or imprinted or noted on a driver's license or  
21 nonoperator's identification card and an entry in a donor  
22 registry, in addition to the existing forms which include a  
23 card signed by the individual donor, a donor's will, or any  
24 other written document used by a donor to make an anatomical  
25 gift. The bill also defines "donor registry" to mean the  
26 statewide organ and tissue donor registry established pursuant  
27 to Code section 142C.18 or a similar registry.

28 The bill provides that valid documents of gift include a  
29 driver's license, a nonoperator's identification card, and an  
30 entry in a donor registry if the document or entry is  
31 certified as being executed in the prescribed manner.

32 The bill provides that in the provisions relating to a  
33 donation of an anatomical gift by an individual other than the  
34 donor, such gift is not to be made by a person authorized to  
35 make the gift if a person in a prior class is available,

1 whether in person or by telephone contact, at the time of the  
2 death of the decedent to make an anatomical gift.

3 The bill provides that a document of gift that is not  
4 revoked by the donor prior to the donor's death does not  
5 require the consent or concurrence of any other person after  
6 the donor's death and is sufficient legal authority, following  
7 the donor's death, for the removal of any part donated under  
8 the document of gift, without the consent or concurrence of  
9 any other person. The bill also provides that a person,  
10 including but not limited to a family member, a guardian, an  
11 attorney in fact named under a durable power of attorney for  
12 health care, or an executor of the donor's estate, is not  
13 authorized to and shall not revoke or in any way supersede a  
14 document of gift that is not revoked by the donor prior to the  
15 donor's death.

16 The bill provides that if an anatomical gift is made to a  
17 designated donee, the document of gift, or a copy, may be  
18 deposited in any hospital, organ procurement organization,  
19 bank or storage organization, or donor registry office that  
20 accepts the document of gift for safekeeping or for the  
21 facilitation of procedures after the death of the donor and  
22 includes a donor registry as one of these entities that may  
23 forward the document to an organ procurement organization  
24 which will retain the document for facilitating procedures  
25 following the death of the donor.

26 With regard to confidential information, the bill provides  
27 that in addition to a hospital, licensed or certified health  
28 care professional, pursuant to Code chapter 148, 148C, 150A,  
29 or 152, or medical examiner being able to release patient  
30 information to an organ procurement organization, or bank or  
31 storage organization as part of a referral or retrospective  
32 review of the patient as a potential donor, the patient  
33 information may also be released to a donor registry, and  
34 additionally the bill provides that a medical examiner or a  
35 medical examiner's designee, peace officer, fire fighter, or

1 emergency medical care provider may release an individual's  
2 identifying information to an organ procurement organization,  
3 donor registry, or bank or storage organization for the  
4 purposes of determining if the individual is a donor. The  
5 bill provides that the additional individuals who are  
6 authorized to release identifying information to determine if  
7 a person is a donor are provided immunity from civil or  
8 criminal liability if they attempt to comply in good faith  
9 with the anatomical gift law of this or another state.

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SENATE FILE 2195

AN ACT

RELATING TO THE UNIFORM ANATOMICAL GIFT ACT INCLUDING THE DOCUMENT OF GIFT, THE RELEASE OF IDENTIFYING INFORMATION, DONORS OTHER THAN THE SUBJECT OF THE DONATION, AND IMMUNITY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 142C.2, subsection 4, Code Supplement 2001, is amended to read as follows:

4. "Document of gift" means a card signed by an individual donor, a written statement attached to or imprinted or noted on a driver's license or nonoperator's identification card, an entry in a donor registry, a donor's will, or any other written document used by a donor to make an anatomical gift.

Sec. 2. Section 142C.2, Code Supplement 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. "Donor registry" means the statewide organ and tissue donor registry established pursuant to section 142C.18 or a similar registry.

Sec. 3. Section 142C.3, subsections 2, 3, and 12, Code 2001, are amended to read as follows:

2. An anatomical gift may be made only by completion of a document of gift or as otherwise provided in this section. If the prospective donor is a minor fourteen through seventeen

years of age, to be valid, a document of gift shall be signed by the minor and the minor's parent or legal guardian. If the document of gift requires the signature of the donor, but the donor is unable to sign the document, the document of gift shall be signed by another individual and by two witnesses, all of whom sign at the direction and in the presence of the donor, the other individual, and the two witnesses. The document of gift, including an entry in a donor registry, shall provide certification that the document has been executed in the prescribed manner.

3. If a donor indicates the wish to become a donor, pursuant to section 321.189, and the indication is attached to or imprinted or noted on an individual's driver's license or nonoperator's identification card, or if a donor indicates the wish to become a donor via an entry in a donor registry and the entry is certified as being executed in the prescribed manner, the document, including an entry in a donor registry, shall be considered an-expression-of-intent-for-the-purposes-of-this-section a valid document of gift.

12. A document of gift may be in the form of a specific donor card such as an eye donor card, a uniform donor card, a driver's license, a nonoperator's identification card, an entry in a donor registry, a will, or any other written document executed pursuant to this chapter. A uniform donor card shall include the options of donating any and all parts, or any specific part or parts. A uniform donor card may, but is not required to be, in the following form:

UNIFORM DONOR CARD

I, ....., have made a commitment to be an anatomical gift donor.

I wish to donate the following:

..... Any needed ..... Only the  
part following part  
.....

Donor Signature ..... Date .....

Sec. 4. Section 142C.3, subsection 8, Code 2001, is amended by striking the subsection and inserting in lieu thereof the following:

8. A document of gift that is not revoked by the donor prior to the donor's death does not require the consent or concurrence of any other person after the donor's death and is sufficient legal authority, following the donor's death, for the removal of any part donated under the document of gift, without the consent or concurrence of any other person. A person, including but not limited to a family member, a guardian, an attorney in fact named under a durable power of attorney for health care, or an executor of the donor's estate, is not authorized to and shall not revoke or in any way supersede a document of gift that is not revoked by the donor prior to the donor's death.

Sec. 5. Section 142C.4, subsection 2, paragraph a, Code 2001, is amended to read as follows:

a. A person in a prior class is available, in person or by telephone contact, at the time of the death of the decedent to make an anatomical gift.

Sec. 6. Section 142C.6, subsection 2, Code 2001, is amended to read as follows:

2. If an anatomical gift is made to a designated donee, the document of gift, or a copy, may be delivered to the donee to expedite the appropriate procedures after the death of the donor. The document of gift, or a copy, may be deposited in any hospital, organ procurement organization, bank or storage organization, or donor registry office that accepts the document of gift for safekeeping or for the facilitation of procedures after the death of the donor. If a document is deposited by a donor in a hospital, donor registry, or bank or storage organization, the hospital or bank or storage organization may forward the document to an organ procurement

organization which will retain the document for facilitating procedures following the death of the donor. Upon request of a hospital, physician, or surgeon, upon or after the donor's death, the person in possession of the document of gift may allow the hospital, physician, or surgeon to examine or copy the document of gift.

Sec. 7. Section 142C.7, Code 2001, is amended to read as follows:

142C.7 CONFIDENTIAL INFORMATION.

A hospital, licensed or certified health care professional, pursuant to chapter 148, 148C, 150A, or 152, or medical examiner may release patient information to an organ procurement organization, donor registry, or bank or storage organization as part of a referral or retrospective review of the patient as a potential donor. Additionally, a medical examiner or a medical examiner's designee, peace officer, fire fighter, or emergency medical care provider may release an individual's identifying information to an organ procurement organization, donor registry, or bank or storage organization to determine if the individual is a donor. Any information regarding a patient, including the patient's identity, however, constitutes confidential medical information and under any other circumstances is prohibited from disclosure without the written consent of the patient or the patient's legal representative.

Sec. 8. Section 142C.11, subsection 3, Code 2001, is amended to read as follows:

3. A hospital, funeral establishment, health care professional licensed or certified pursuant to chapter 148, 148C, 150A, or 152, a medical examiner, or a medical examiner's designee, technician, enucleator, peace officer, fire fighter, emergency medical care provider, funeral director, or other person, who complies with this chapter in good faith or with the applicable anatomical gift law of

another state, or who attempts in good faith to comply, is immune from any liability, civil or criminal, which might result from the making or acceptance of an anatomical gift.

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MARY E. KRAMER  
President of the Senate

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BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2195, Seventy-ninth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved 4/4, 2002

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THOMAS J. VILSACK  
Governor