

Senate Engrossed House Bill

**FILED**  
**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

CHAPTER 292

# **HOUSE BILL 2307**

AN ACT

AMENDING SECTIONS 36-414 AND 36-841, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 7, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 36-851.01, 36-851.02 AND 36-851.03; RELATING TO THE REVISED UNIFORM ANATOMICAL GIFT ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-414, Arizona Revised Statutes, is amended to  
3 read:

4 36-414. Health services licensing fund; exemption

5 A. The health services licensing fund is established consisting of  
6 monies deposited pursuant to sections 36-405, 36-851.01, 36-882, 36-897.01  
7 and 36-1903. The department of health services shall administer the fund.

8 B. Monies in the fund are subject to legislative appropriation.

9 C. Monies in the fund are exempt from the provisions of section 35-190  
10 relating to lapsing of appropriations.

11 Sec. 2. Section 36-841, Arizona Revised Statutes, is amended to read:

12 36-841. Definitions

13 In this article, unless the context otherwise requires:

14 1. "Adult" means an individual who is at least eighteen years of age.

15 2. "Agent" means an individual who is either:

16 (a) Authorized to make health care decisions on the principal's behalf  
17 pursuant to a health care power of attorney.

18 (b) Expressly authorized to make an anatomical gift on the principal's  
19 behalf pursuant to any other record signed by the principal.

20 3. "Anatomical gift" means a donation of all or part of a human body  
21 to take effect after the donor's death for the purpose of transplantation,  
22 therapy, research or education.

23 4. "Decedent" means a deceased individual whose body or part is or may  
24 be the source of an anatomical gift. Decedent includes a stillborn infant  
25 and, subject to restrictions imposed by any other law, a fetus.

26 5. "Disinterested witness" means a witness other than the spouse,  
27 child, parent, sibling, grandchild, grandparent or guardian of the individual  
28 who makes, amends, revokes or refuses to make an anatomical gift, or another  
29 adult who exhibited special care and concern for the individual.  
30 Disinterested witness does not include a person to which an anatomical gift  
31 could pass pursuant to section 36-850.

32 6. "Document of gift" means a donor card or other record THAT IS used  
33 to make an anatomical gift. Document of gift includes a statement or symbol  
34 on a driver license, identification card or donor registry.

35 7. "Donor" means an individual whose body or part is the subject of an  
36 anatomical gift.

37 8. "Donor registry" means a database that contains records of  
38 anatomical gifts.

39 9. "Driver license" means a license or permit THAT IS issued pursuant  
40 to title 28 to operate a vehicle, whether or not conditions are attached to  
41 the license or permit.

42 10. "Eye bank" means a person that is licensed or regulated under  
43 federal or state law or is accredited by a nationally recognized accrediting  
44 agency to engage in the recovery, screening, testing, processing, storage or  
45 distribution of human eyes or portions of human eyes.

1           11. "Guardian" means a person who is appointed by a court to make  
2 decisions regarding the support, care, education, health or welfare of an  
3 individual. Guardian does not include a guardian ad litem.

4           12. "Hospital" means a facility that is licensed as a hospital under  
5 the laws of any state or that is operated as a hospital by the United States,  
6 a state or a subdivision of a state.

7           13. "Identification card" means ~~an~~ A NONOPERATING identification card  
8 LICENSE THAT IS issued by the motor vehicle division of the department of  
9 transportation.

10          14. "Know" means to have actual knowledge.

11          15. "Minor" means an individual who is under eighteen years of age.

12          16. "Organ procurement organization" means a person THAT IS designated  
13 by the secretary of the United States department of health and human services  
14 as an organ procurement organization.

15          17. "Parent" means a parent whose parental rights have not been  
16 terminated.

17          18. "Part" means an organ, eye or tissue of a human being. Part does  
18 not include the whole body.

19          19. "Person" means an individual, corporation, business trust, estate,  
20 trust, partnership, limited liability company, association, joint venture,  
21 public corporation, government or governmental subdivision, agency or  
22 instrumentality, or any other legal or commercial entity.

23          20. "Physician" means an individual WHO IS licensed as a physician  
24 pursuant to title 32, chapter 13 or 17.

25          21. "Principal" means a person who is the subject of a health care  
26 power of attorney.

27          22. "Procurement organization" means ANY OF THE FOLLOWING:

28           (a) An organ procurement organization.

29           (b) A tissue bank.

30           (c) An eye bank.

31           (d) A storage facility that is licensed, accredited or approved under  
32 federal law or the laws of any state to engage in the recovery, screening,  
33 testing, processing, ~~OR storage or distribution~~ of human bodies or parts.

34          23. "Prospective donor" means an individual who is dead or near death  
35 and who has been determined by a procurement organization to have a part that  
36 could be medically suitable for transplantation, therapy, research or  
37 education. Prospective donor does not include an individual who has made a  
38 refusal.

39          24. "Reasonably available" means able to be contacted by a procurement  
40 organization without undue effort and willing and able to act in a timely  
41 manner consistent with existing medical criteria necessary for the making of  
42 an anatomical gift.

43          25. "Recipient" means an individual into whose body a decedent's part  
44 has been or is intended to be transplanted.



1 C. A LICENSE UNDER THIS SECTION IS VALID FOR TWO YEARS AND MUST BE  
2 RENEWED EVERY TWO YEARS. A PERSON SHALL FILE AN APPLICATION FOR RENEWAL AT  
3 LEAST THIRTY DAYS BEFORE THE EXPIRATION OF THE CURRENT LICENSE.

4 D. EACH PROCUREMENT ORGANIZATION APPLYING FOR LICENSURE OR LICENSE  
5 RENEWAL UNDER THIS SECTION SHALL PAY ALL APPLICABLE FEES AS PRESCRIBED BY THE  
6 DIRECTOR. ALL FEES COLLECTED PURSUANT TO THIS SECTION FOR THE LICENSURE AND  
7 LICENSE RENEWAL OF PROCUREMENT ORGANIZATIONS SHALL BE DEPOSITED IN THE HEALTH  
8 SERVICES LICENSING FUND ESTABLISHED BY SECTION 36-414.

9 E. THE DIRECTOR MAY SANCTION, IMPOSE CIVIL PENALTIES ON OR, PURSUANT  
10 TO TITLE 41, CHAPTER 6, ARTICLE 10, SUSPEND OR REVOKE, IN WHOLE OR IN PART,  
11 THE LICENSE OF ANY PROCUREMENT ORGANIZATION IF ANY PERSON WHO IS AN OWNER,  
12 OFFICER, AGENT OR EMPLOYEE OF THE PROCUREMENT ORGANIZATION IS IN OR CONTINUES  
13 TO BE IN VIOLATION OF THIS ARTICLE OR THE RULES OF THE DEPARTMENT OF HEALTH  
14 SERVICES ADOPTED PURSUANT TO THIS ARTICLE.

15 F. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

16 1. AN ORGAN PROCUREMENT ORGANIZATION AS DESCRIBED BY 42 UNITED STATES  
17 CODE SECTION 273 THAT IS DESIGNATED FOR THIS STATE BY THE SECRETARY OF THE  
18 UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES PURSUANT TO 42 UNITED  
19 STATES CODE SECTION 1320b-8.

20 2. A PROCUREMENT ORGANIZATION THAT IS REGULATED BY THE UNITED STATES  
21 FOOD AND DRUG ADMINISTRATION IN CONNECTION WITH THE RECOVERY OF HUMAN TISSUE  
22 INTENDED FOR TRANSPLANTATION PURSUANT TO 21 CODE OF FEDERAL REGULATIONS PART  
23 1270.

24 3. A PROCUREMENT ORGANIZATION AS DEFINED IN SECTION 36-841, PARAGRAPH  
25 22, SUBDIVISION (d).

26 4. A PROCUREMENT ORGANIZATION THAT IS AFFILIATED WITH AN ACCREDITED  
27 EDUCATIONAL INSTITUTION IN CONNECTION WITH THE EDUCATION OF STUDENTS ENROLLED  
28 IN A DEGREE-GRANTING PROGRAM FOR HEALTH PROFESSIONALS.

29 5. A PROCUREMENT ORGANIZATION THAT IS AFFILIATED WITH AN ACCREDITED  
30 HOSPITAL AS DEFINED IN SECTION 36-401 FOR THE RECOVERY OF ANATOMICAL GIFTS  
31 FOR RESEARCH, EDUCATION, QUALITY IMPROVEMENT OR QUALITY ASSURANCE.

32 36-851.02. Procurement organizations; deemed status;  
33 requirements; inspection

34 A PROCUREMENT ORGANIZATION THAT IS LICENSED PURSUANT TO SECTION  
35 36-851.01 BY VIRTUE OF ITS ACCREDITATION STATUS:

36 1. IS DEEMED TO MEET HEALTH AND SAFETY REQUIREMENTS THAT ARE  
37 EQUIVALENT TO THOSE SET FORTH IN SECTION 36-851.03 AND IS NOT REQUIRED TO  
38 MEET THE REQUIREMENTS PRESCRIBED IN SECTION 36-851.03 EXCEPT AS SPECIFIED IN  
39 PARAGRAPH 2 OF THIS SECTION IF THE PROCUREMENT ORGANIZATION MAINTAINS ITS  
40 ACCREDITED STATUS WITH THE ACCREDITING AGENCY.

41 2. SHALL COMPLY WITH ALL OF THE FOLLOWING AS ADOPTED IN RULE BY THE  
42 DEPARTMENT OF HEALTH SERVICES:

43 (a) THE PROPER USE AND MAINTENANCE OF DONOR CONSENT FORMS.

44 (b) THE IMPLEMENTATION AND MAINTENANCE OF PROPER IDENTIFICATION  
45 SYSTEMS FOR BODIES AND DISARTICULATED ITEMS.

1 (c) THE IMPLEMENTATION AND MAINTENANCE OF PROTOCOLS AND MATERIALS FOR  
2 PROCEDURES USED BY THE PROCUREMENT ORGANIZATION TO PROPERLY SCREEN END USERS.

3 (d) THE PROPER DOCUMENTATION AND DISCLOSURE OF THE DISEASE STATUS OF  
4 TISSUE SPECIMENS TO END USERS.

5 (e) LABELING, PACKAGING, TRANSPORT AND DISTRIBUTION POLICIES AND  
6 PROCEDURES.

7 (f) FINAL DISPOSITION PROCEDURES.

8 3. SHALL PROVIDE A DESIGNATED AREA FOR TISSUE RECOVERY THAT DOES NOT  
9 OPERATE IN A FUNERAL ESTABLISHMENT FOR THE RECOVERY OF WHOLE BODIES FOR  
10 MEDICAL RESEARCH AND EDUCATION.

11 4. IS SUBJECT TO INSPECTION BY THE DEPARTMENT OF HEALTH SERVICES AT  
12 ANY TIME WITH RESPECT TO COMPLIANCE WITH THE REQUIREMENTS OF PARAGRAPH 2 OF  
13 THIS SECTION.

14 36-851.03. Procurement organizations; requirements;  
15 records; rules; inspection

16 A. EXCEPT AS PROVIDED IN SECTION 36-851.02, EACH PROCUREMENT  
17 ORGANIZATION THAT IS REQUIRED TO BE LICENSED PURSUANT TO SECTION 36-851.01  
18 SHALL DO ALL OF THE FOLLOWING:

19 1. DESIGNATE A MEDICAL DIRECTOR WHO IS A PHYSICIAN LICENSED PURSUANT  
20 TO TITLE 32, CHAPTER 13 OR 17 AND WHO PROVIDES MEDICAL GUIDANCE TO DETERMINE  
21 DONOR ELIGIBILITY.

22 2. EMPLOY A DIRECTOR WHO HOLDS AT LEAST A BACHELOR'S DEGREE IN A  
23 RELATED SCIENCE FROM AN ACCREDITED UNIVERSITY AND WHO IS RESPONSIBLE FOR ALL  
24 LICENSED ACTIVITIES OF THE ORGANIZATION.

25 3. COMPLY WITH ALL OF THE FOLLOWING AS ADOPTED IN RULE BY THE  
26 DEPARTMENT OF HEALTH SERVICES:

27 (a) THE PROPER USE AND MAINTENANCE OF DONOR CONSENT FORMS.

28 (b) THE IMPLEMENTATION AND MAINTENANCE OF PROPER IDENTIFICATION  
29 SYSTEMS FOR BODIES AND DISARTICULATED ITEMS.

30 (c) THE IMPLEMENTATION AND MAINTENANCE OF PROTOCOLS AND MATERIALS FOR  
31 PROCEDURES USED BY THE PROCUREMENT ORGANIZATION TO PROPERLY SCREEN END USERS.

32 (d) THE PROPER DOCUMENTATION AND DISCLOSURE OF THE DISEASE STATUS OF  
33 TISSUE SPECIMENS TO END USERS.

34 (e) LABELING, PACKAGING, TRANSPORT AND DISTRIBUTION POLICIES AND  
35 PROCEDURES.

36 (f) FINAL DISPOSITION PROCEDURES.

37 4. IMPLEMENT AND MAINTAIN ALL OF THE FOLLOWING:

38 (a) STANDARD OPERATING PROCEDURES FOR ALL LICENSED FUNCTIONS OF THE  
39 ORGANIZATION.

40 (b) A SAFETY AWARENESS AND BLOOD-BORNE PATHOGEN TRAINING PROGRAM THAT  
41 COMPLIES WITH STATE AND FEDERAL LAW.

42 (c) A CLEANING PROGRAM THAT MITIGATES POTENTIAL CROSS-CONTAMINATION  
43 BETWEEN DONORS.

44 5. PROVIDE A DESIGNATED AREA FOR TISSUE RECOVERY THAT:

1 (a) IS OPEN TO INSPECTION BY THE DEPARTMENT OF HEALTH SERVICES WITH OR  
2 WITHOUT NOTICE.

3 (b) DOES NOT OPERATE IN A FUNERAL ESTABLISHMENT FOR THE RECOVERY OF  
4 WHOLE BODIES FOR MEDICAL RESEARCH AND EDUCATION.

5 6. PROPERLY TRACK DONORS AND LABEL TISSUE BY DOING BOTH OF THE  
6 FOLLOWING:

7 (a) ASSIGNING A UNIQUE IDENTIFYING NUMBER TO EACH DONOR AND USING THIS  
8 NUMBER FOR ALL TISSUE FROM THAT DONOR THAT IS RECOVERED AND DISTRIBUTED.

9 (b) AFFIXING LABELS WITH THE FOLLOWING INFORMATION ON ALL  
10 NONTRANSPLANT TISSUE SPECIMENS:

11 (i) A STATEMENT THAT UNIVERSAL PRECAUTIONS WILL BE USED.

12 (ii) A STATEMENT THAT THE SPECIMEN IS NOT FOR TRANSPLANT OR CLINICAL  
13 USE.

14 (iii) ANY CONDITION OR LIMITATION REGARDING THE USE OF THE SPECIMEN.

15 (iv) CONTACT INFORMATION FOR THE PROCUREMENT ORGANIZATION.

16 7. MAINTAIN THE FOLLOWING RECORDS FOR TEN YEARS AFTER THE LAST DATE OF  
17 TISSUE DISTRIBUTION:

18 (a) A COPY OR RECORDED CONSENT OF THE DONATION AUTHORIZATION.

19 (b) A COPY OF THE DONOR'S DEATH CERTIFICATE AND TRANSIT PERMIT ISSUED  
20 BY THE STATE WHERE THE DEATH OCCURRED.

21 (c) A COPY OF THE DONOR'S PHYSICAL ASSESSMENT AND RISK ASSESSMENT  
22 QUESTIONNAIRE.

23 (d) A COPY OF THE DONOR'S SEROLOGICAL RESULTS, WHEN APPLICABLE.

24 (e) A COPY OF ALL DOCUMENTATION RELATING TO TISSUE RECOVERY, STORAGE  
25 AND DISTRIBUTION ACTIVITIES.

26 B. THE DEPARTMENT OF HEALTH SERVICES SHALL ADOPT RULES THAT FOLLOW, AS  
27 NEARLY AS PRACTICABLE, THE REQUIREMENTS ON EQUIVALENT SUBJECTS SPECIFIED IN  
28 SUBSECTION A OF THIS SECTION THAT ARE SET FORTH IN THE ACCREDITATION  
29 REQUIREMENTS OF A NATIONALLY RECOGNIZED ACCREDITING AGENCY THAT IS APPROVED  
30 BY THE DEPARTMENT.

31 C. A PROCUREMENT ORGANIZATION THAT IS SUBJECT TO THE REQUIREMENTS OF  
32 THIS SECTION IS SUBJECT TO INSPECTION BY THE DEPARTMENT OF HEALTH SERVICES AT  
33 ANY TIME TO EVALUATE THE COMPLIANCE BY THE PROCUREMENT ORGANIZATION WITH THE  
34 REQUIREMENTS OF THIS ARTICLE AND THE RULES ADOPTED BY THE DEPARTMENT.

35 Sec. 4. Department of health services; rulemaking exemption

36 For the purposes of implementing this act, the department of health  
37 services shall adopt rules relating to the licensure of procurement  
38 organizations and enforcement of those provisions. The department is exempt  
39 from the rulemaking requirements of title 41, chapter 6, Arizona Revised  
40 Statutes, for one year after the effective date of this act.

APPROVED BY THE GOVERNOR MAY 17, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 17, 2016.

Passed the House March 1, 20 16

Passed the Senate April 5, 20 16

by the following vote: 54 Ayes,

by the following vote: 24 Ayes,

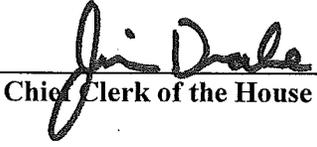
5 Nays, 1 Not Voting

5 Nays, 1 Not Voting

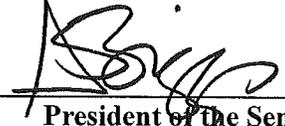


Speaker of the House

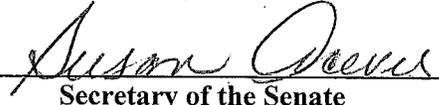
Pro Tempore



Chief Clerk of the House



President of the Senate



Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2307

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

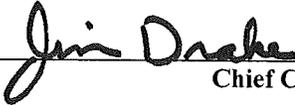
\_\_\_\_\_ May 6, 2016,

by the following vote: 45 Ayes,

8 Nays, 7 Not Voting



Speaker of the House



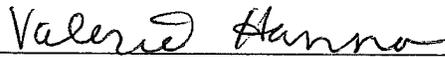
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

7 day of May, 2016,

at 1:18 o'clock A. M.

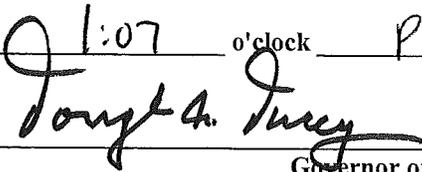


Secretary to the Governor

Approved this 17<sup>th</sup> day of

May, 2016,

at 1:07 o'clock P. M.



Governor of Arizona

H.B. 2307

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 17<sup>th</sup> day of May, 2016,

at 4:35 o'clock P. M.



Secretary of State