

2013 Bill 207

First Session, 28th Legislature, 62 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 207

**HUMAN TISSUE AND ORGAN DONATION
AMENDMENT ACT, 2013**

MR. WEBBER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 207
Mr. Webber

BILL 207

2013

HUMAN TISSUE AND ORGAN DONATION AMENDMENT ACT, 2013

(Assented to _____, 2013)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends SA 2006 cH-14.5

1 The *Human Tissue and Organ Donation Act* is amended by this Act.

2 Section 1 is amended

(a) by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):

(a) “Agency” means the Alberta Organ and Tissue Donation Agency established under section 12.1;

(b) in clause (f) by striking out “donation agency” and substituting “donation organization”;

(c) by adding the following after clause (k):

(k.1) “online registry” means the online registry established under section 4.1;

(d) by adding the following after clause (l):

(l.1) “Registrar of Motor Vehicle Services” means Registrar as defined in the *Traffic Safety Act*;

Explanatory Notes

- 1** Amends chapter H-14.5 of the Statutes of Alberta 2006.
- 2** Definitions added.

3 The following is added after section 4:

Online registry

4.1 The Minister shall establish an online registry to facilitate registration of the consent of individuals to the donation of their tissue, organs or body in accordance with section 4(1)(a).

Request regarding donation at time of issuance or renewal of operator's licence

4.2(1) When an adult applies to the Registrar of Motor Vehicle Services for the issuance or renewal of an operator's licence under the *Traffic Safety Act*, that adult shall be asked whether he or she consents to the donation of his or her tissue, organs or body in accordance with section 4(1)(a).

(2) If an adult provides his or her written consent under subsection (1), the Registrar of Motor Vehicle Services shall

- (a) transmit that information to the Alberta Organ and Tissue Donation Agency for inclusion in the online registry, and
- (b) affix a sticker in the prescribed form indicating the consent on an area of the operator's licence designated for that purpose.

Collection of information by additional registries

4.3 The Lieutenant Governor in Council may, in accordance with the regulations, require a registry operated or maintained by the Government to collect and transmit information respecting an adult's consent under section 4(1)(a) to the online registry.

4 Section 7 is amended by striking out "donation agency" wherever it occurs and substituting "donation organization".

3 Online registry, request regarding donation at time of issuance or renewal of operator's licence and collection of information by additional registries added.

4 Section 7 presently reads:

7(1) When a person dies, the medical practitioner who makes the determination of death must consider and document in the patient record the medical suitability of the deceased person's tissue or organs for transplantation.

(2) If a medical practitioner determines under subsection (1) that a person's tissue or organs may be suitable for transplantation, the medical practitioner must notify a donation agency, if any, in a manner satisfactory to the donation agency.

(3) A donation agency notified under subsection (2) must, unless it determines that the donor is medically unsuitable, seek a consent for a donation for transplantation under section 4(2) and document its efforts.

5 Section 9 is amended by adding the following after subsection (3):

(3.1) A consent provided through the online registry is valid notwithstanding that it is not signed by a witness.

6 The following is added after section 12:

Alberta Organ and Tissue Donation Agency

12.1(1) The Alberta Organ and Tissue Donation Agency is established.

(2) The purposes of the Agency are to

- (a)** co-ordinate and support the work of donation organizations in managing the system of donation in Alberta;
- (b)** educate the public and increase awareness about donation in Alberta;
- (c)** manage, deliver and encourage use of the online registry;
- (d)** monitor and measure the system of donation in Alberta;
- (e)** perform any other function prescribed in the regulations.

(3) The Agency reports to the Minister through the chair of the Agency and is responsible for submitting to the Minister an annual report of its activities in a form acceptable to the Minister containing the information required by the Minister.

(4) On receipt of a report under subsection (3), the Minister shall lay a copy of it before the Legislative Assembly if it is then

(4) Notwithstanding subsection (3), a donation agency shall not seek a consent for donation under section 4(2)

(a) if the medical practitioner referred to in subsection (1) advises that he or she

(i) has personal knowledge that the deceased donor would have refused to give a consent, or

(ii) has already sought a consent under section 4,

or

(b) if a consent under section 4 has already been given.

5 Section 9(3) presently reads:

(3) A consent on the form provided on a certificate of registration issued under the Health Insurance Premiums Act is valid notwithstanding that it is not dated.

6 Alberta Organ and Tissue Donation Agency.

sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

(5) The Agency may make bylaws governing the calling of its meetings and the conduct of its business at meetings.

Staff

12.2 In accordance with the *Public Service Act*, there may be appointed the employees required to conduct the business of the Agency.

7 Section 14(a) is amended by striking out “donation agencies” and substituting “donation organizations”.

8 The following is added after section 14:

Lieutenant Governor in Council regulations

14.1 The Lieutenant Governor in Council may make regulations

- (a) respecting the establishing and operation of the online registry;
- (b) respecting the information that may be included in the online registry;
- (c) respecting the collection, use and disclosure of information in the online registry;
- (d) respecting a request regarding consent to donation under section 4.2 and the collection, use and disclosure of information obtained under that section;
- (e) prescribing a form for the purposes of section 4.2(2)(b);
- (f) prescribing registries under section 4.3 and respecting the collection, use and disclosure of information by those registries;
- (g) respecting the membership and functions of the Agency;

7 Section 14(a) presenting reads:

14 The Minister may make regulations

(a) designating donation agencies for the purposes of this Act;

8 Lieutenant Governor in Council regulations.

- (h) prescribing the remuneration and expenses payable to members of the Agency.

