

NOTICE OF AMENDMENT

Bill 205

Human Tissue and Organ Donation (Mandatory Referral) Amendment Act, 2022

Mr. Sigurdson to move that Bill 205, *Human Tissue and Organ Donation (Mandatory Referral) Amendment Act, 2022*, be amended as follows:

(a) by striking out section 2(d);

(b) in section 3

(i) by striking out the proposed section 4(1) and substituting the following:

Deceased donor

4(1) For the purpose of transplantation, medical education or scientific research, an adult with capacity may decide to consent to donate their tissues, organs or body for use on their death by indicating their consent in accordance with section 9.

(ii) in the proposed section 4(2) by striking out “or refusal to consent”,

(iii) in the proposed section 4(3) by striking out “or refuse to consent”, “or refused to consent”, and “or refusing to consent” wherever they occur,

(iv) in the proposed section 4(4)(a) by striking out “or refusing to consent”,

(v) in the proposed section 4(5)

(A) by striking out “subsection (1)” and substituting “subsection (3)”, and

(B) by striking out “or refuse to consent”, “in the case of a consent to donate,” and “or refusing to consent” wherever they occur,

(vi) in the proposed section 4.1(1) by striking out “or refusal to consent”, and

(vii) in the proposed section 4.1(2) by striking out “or refusal to consent”;

(c) in section 4

(i) in clause (a) by striking out the proposed section 4.2(1) and substituting the following:

Consent to donate

4.2(1) An authority referred to in subsection (1.1) must do the following in respect of an adult making an application to that authority:

(a) provide the adult with written information from the Minister regarding the importance of tissue and organ donation and the process by which consent may be given in Alberta;

(b) ask the adult whether they wish to consent with respect to the donation of their tissue or organs in accordance with section 4(1).

(ii) in clause (b) by striking out “or refuses to consent”, “or refusal to consent” and “or refused to consent” wherever they occur;

(d) in section 5 by striking out “or refusal to consent”;

(e) in section 6 by striking out the proposed section 7 and substituting the following:

Mandatory referral

7(1) Subject to subsection (2) and the regulations, if any, when a person dies or their death is imminent, a medical practitioner making the determination of the person’s death must provide a donation organization with the following information:

(a) the age of the person;

(b) the cause, or expected cause, of the person’s death;

(c) if death has occurred, the time of death of the person;

(d) any available past and current health information of the person that is relevant to their medical suitability for tissue or organ transplantation.

(2) A medical practitioner is not required to provide the information referred to in subsection (1) to a donation organization if

(a) in the opinion of the medical practitioner, the person’s tissue or organs are not medically suitable for transplantation based on the criteria prescribed by the regulations, if any, and the medical practitioner has made a written note of the reasons for that determination in the person’s medical record, or

(b) the medical practitioner has personal knowledge that the deceased person would have refused to consent to donate.

(3) A donation organization must consider the suitability of a person’s tissue or organs for transplantation by assessing the information provided to it in accordance with subsection (1).

(4) If a donation organization determines that a person’s tissue or organs may be suitable for transplantation, it must

(a) confirm whether a consent has been made in accordance with section 4 to donate that person’s tissue or organs for transplantation, and

(b) if no consent has been made, request consent to donate that person’s tissue or organs for transplantation in accordance with section 4 and document its efforts.

(f) in section 7(a) by striking out “section 4(1)(a) that has not been revoked pursuant to section 9(8)” and substituting “section 4(1) that has not been revoked pursuant to section 9(8)”;

(g) in section 8

(i) in the heading to the proposed section 9 by striking out “and refusal”,

(ii) in the proposed section 9

(A) in subsection (1)

(I) by striking out “or a refusal to consent”, and

(II) in clause (c) by striking out “or refusing to consent” and “or refused to consent” wherever they occur,

(B) in subsection (3) by striking out “or refusal to consent” and “or refuse to consent”,

(C) in subsection (4) by striking out “For the purpose of section 4(1)(a)” and substituting “For the purpose of section 4(1)”,

(D) in subsection (6) by striking out clause (a) and substituting the following:

(a) a consent or revocation of a consent to donate provided through the online registry is valid despite not being witnessed, if it is in writing and dated, and

(E) in subsection (7) by striking out “or refusal to consent to donate” and substituting “to donate if a witness is required”, and

(F) in subsection (8) by striking out “or refusal to consent”;

(h) in section 9

(i) in the proposed section 12

(A) in subsection (1)

(I) by striking out “and sections 4.2 and 7” and substituting “and section 4.2”,

(II) by adding “publicly” immediately before “disclose information that identifies”,

(III) in clause (a) by striking out “or refused to consent”, and

(IV) by striking out clause (b) and substituting the following:

(b) a person to whom a consent to donate has been made;

(B) in subsection (3) by adding “health information and” immediately before “personal information if necessary”,

(ii) by striking out the proposed section 12.1 and substituting the following:

Alberta Organ and Tissue Donation Agency

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

(2) Subject to subsection (3), a regional health authority established or recognized under the *Regional Health Authorities Act* may carry out activities on behalf of the Agency.

(3) During any period in which a regional health authority is carrying out activities on behalf of the Agency under subsection (2),

(a) sections 12.2, 12.3, 12.4(1) and 12.5 apply to the regional health authority, with all necessary modifications, as if it were the Agency,

(b) sections 12.2, 12.3, 12.4, and 12.5 do not apply to the Agency, and

(c) section 12.6 does not apply.

(iii) **by striking out the proposed section 12.3(d) and substituting the following:**

(d) support and encourage the use of the online registry;

(iv) **by striking out the proposed section 12.4(1)(b) and substituting the following:**

(b) publish any submissions that are included in a report provided to the Minister under section 12.5, except in the case of a report provided under section 12.5(2), which may only be published after the report has been laid before the Assembly in accordance with section 12.5(3).

(v) **by striking out the proposed section 12.5 substituting the following:**

Reporting

12.5(1) The Agency is responsible and reports to the Minister.

(2) In addition to any report provided to the Minister under subsection (1), the Agency must provide an annual report to the Minister containing the following information:

(a) a summary of the Agency's activities during the preceding year;

(b) statistical information about the number of potential donor identifications, potential donor referrals and the donation consent rate for the preceding year;

(c) its recommendations, if any, for improving the efficiency and effectiveness of the tissue and organ donation system in Alberta.

(3) On receipt of a report under subsection (2), the Minister must lay a copy of the report before the Assembly if it is sitting or, if the Assembly is not sitting, within 15 days after the commencement of the next sitting.

(vi) **in the proposed section 12.6(6)(a) by striking out "that must be paid" and substituting "to be paid", and**

(vii) **by striking out the proposed section 12.7 and substituting the following:**

Staff

12.7 In accordance with the *Public Service Act*, the Minister may appoint the employees required to conduct the business of the Agency.

(i) **in section 11**

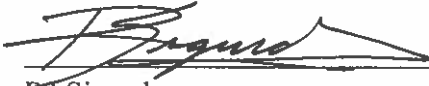
(i) **in clause (a), in the proposed clause (c.1), by striking out "or a refusal to consent", and**

(ii) in clause (b) by adding the following immediately after the proposed clause (f.1):

(f.11) prescribing the criteria to assess the medical suitability of a person's tissue or organs for the purpose of section 7(2)(a);

(j) in section 12 by striking out "January 1, 2023" and substituting "April 1, 2023".

May 24th / 2022
Date


RJ Sigurdson
Member of the Legislative Assembly

JK
Parliamentary Counsel
MAY 24, 2022