

Bill as  
Introduced

HB 421 - AS INTRODUCED

2021 SESSION

21-0564  
11/05

HOUSE BILL            **421**

AN ACT                relative to organ donation on a driver's license.

SPONSORS:            Rep. Torosian, Rock. 14; Rep. Janigian, Rock. 8; Rep. Piemonte, Rock. 4; Rep. Spillane, Rock. 2

COMMITTEE:          Transportation

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ANALYSIS

This bill clarifies that a person's decision to donate his or her own body, organ, or tissue upon death is not subject to amendment or revocation after such person's death.

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Explanation:        Matter added to current law appears in **bold italics**.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to organ donation on a driver's license.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

- 1       1 Uniform Anatomical Gift Act; Honoring an Individual's Decision to Donate. Amend RSA 291-
- 2 A:23 to read as follows:
- 3       291-A:23 Honoring an Individual's Decision to Donate. A person's decision to make a donation
- 4 of that person's own body, organ, or tissue after death shall be honored ***and may not be revoked or***
- 5 ***amended by anyone after such individual's death.*** In the absence of a revocation or
- 6 amendment ***by the individual prior to death,*** health care providers and procurement
- 7 organizations shall act in accordance with the donor's decision and may take appropriate actions to
- 8 effect the anatomical gift.
- 9       2 Effective Date. This act shall take effect 60 days after its passage.

HB 421 - FINAL VERSION

2021 SESSION

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# Committee Minutes

**SENATE CALENDAR NOTICE**  
**Transportation**

Sen Regina Birdsell, Chair  
Sen David Watters, Vice Chair  
Sen Denise Ricciardi, Member  
Sen Ruth Ward, Member  
Sen Tom Sherman, Member

Date: April 8, 2021

**HEARINGS**

Tuesday	04/13/2021	
(Day)	(Date)	
Transportation	REMOTE 000	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	<b>HB 100</b>	relative to driving to the left of an unbroken painted line.
1:15 p.m.	<b>HB 174</b>	relative to reporting a collision between a cat and a motor vehicle.
1:30 p.m.	<b>HB 421</b>	relative to organ donation on a driver's license.
1:45 p.m.	<b>HB 451-FN</b>	relative to organizations authorized to issue decals for multi-use decal number plates and relative to gold star family decals for motor vehicles.
2:00 p.m.	<b>HB 496-FN</b>	relative to license plate covers.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/96469454092>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: 19292056099,,96469454092# or 13017158592,,96469454092#

4. Webinar ID: 964 6945 4092

5. To view/listen to this hearing on YouTube, use this link:

<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>

6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:

<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call (603-271-6931).

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**HB 100**

Rep. Steven Smith

Rep. Walsh

Rep. Packard

**HB 174**

Rep. Abbas

Rep. Kenney

Rep. Janigian

Rep. Burroughs

**HB 421**

Rep. Torosian

Rep. Janigian

Rep. Piemonte

Rep. Spillane

**HB 451-FN**

Rep. Packard

Rep. Burt

Rep. Shurtleff

Rep. Weyler

**HB 496-FN**

Rep. S. Pearson

Kirsten Koch 271-3266

Regina Birdsell  
Chairman



# Senate Transportation Committee

*Kirsten Koch 271-3266*

**HB 421**, relative to organ donation on a driver's license.

**Hearing Date:** April 13, 2021

**Time Opened:** 1:31 p.m.

**Time Closed:** 1:42 p.m.

**Members of the Committee Present:** Senators Birdsell, Watters, Ricciardi, Ward and Sherman

**Members of the Committee Absent :** None

**Bill Analysis:** This bill clarifies that a person's decision to donate his or her own body, organ, or tissue upon death is not subject to amendment or revocation after such person's death.

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**Sponsors:**

Rep. Torosian

Rep. Janigian

Rep. Piemonte

Rep. Spillane

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**Who supports the bill:** Rep. Steven Smith, Sullivan 11; Sean Fitzpatrick, New England Donor Services; Eric Pauer; Alexandra Menella.

**Who opposes the bill:** None.

**Who is neutral on the bill:** None.

**Summary of Testimony Presented:**

**Senator Ward, District 8**

- The prime sponsor, Rep. Torosian, was not present. Senator Ward introduced the bill.
- Sen. Ward said, this bill clarifies that a person's decision to donate his or her own body, organ, or tissue upon death is not subject to amendment or revocation after such person's death.

**Representative Tom Walsh, Merrimack 24**

- Rep. Walsh said, a constituent had his choice of donating an organ rescinded by someone else after death. This language sures up the intent that it cannot be rescinded if it is your personal choice.
- Sen. Sherman said, this bill came before the Senate HHS Committee in 2019. I believe this stemmed from a Pennsylvania case with a relative in New Hampshire. The donor was a match for a family member, and the family revoked the donation, and the intended recipient died. Did the people who are most concerned, the people in charge of transplant, who worked on this bill last time to make sure it did not interfere with the transplant

process, work on this bill again? Did that come up? Did the sponsor talk to the donor organization?

- Rep. Walsh said, I am not sure. It was a brief hearing in the House.

### **Sean Fitzpatrick, New England Donor Services**

- Mr. Fitzpatrick said, New England Donor Services works for matters of federally designated organ procurement for purposes of transplants and covers all of NH. We work with the Uniform Anatomical Gift Act.
- Mr. Fitzpatrick said, fortunately there was a revision of the Act in 2007 or 2008 that did fix some of the problems with family's decisions to donate. The language is legalistic. Rep. Torosian thought it would be helpful to have more clear language for people to be able to read the Uniform Anatomical Gift Act. This bill simply does that, and we helped create the clarifying language.
- Sen. Watters said the word "may" could cause some problems.
  - Mr. Fitzpatrick said, very few people die in a way that is suitable for organ donation. The authorization decision to donate is made while alive by the deceased, but the medical decision is made by the transplant surgeon.
- Sen. Birdsell asked, if someone has power of attorney for health purposes, would this RSA override the power of attorney?
  - Mr. Fitzpatrick said, health care ends when a person dies, so power of attorney ends when a person dies. This bill is very whole on individuals have the right to make this decision. A power of attorney cannot revoke an individual's decision to donate before death either.

KNK

Date Hearing Report completed: April 15, 2021

# Speakers

## Senate Remote Testify

### Transportation Committee Testify List for Bill HB421 on 2021-04-13

Support: 3 Oppose: 0 Neutral: 0 Total to Testify: 1

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>S</u>
Fitzpatrick, Sean	sfitzpatrick@nedso.org	617.413.7564	A Member of the Public	New England Donor Services	Support	Yes	4
Pauer, Eric	secretary@BrooklineGOP.org	603.732.8489	A Member of the Public	Myself	Support	No	4
Mennella, Alexandra	amennella1@protonmail.com	16466109858	A Member of the Public	Myself	Support	No	4

# Testimony

April 13, 2021

The Honorable Regina Birdsell  
Chair  
Senate Committee on Transportation  
Legislative Office Building  
33 N. State Street  
Concord, NH 03301

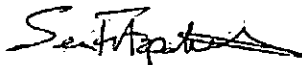
Dear Chairman Birdsell and Members of the Committee:

New England Donor Services (NEDS) writes in regards to HB421, An Act Relative to Organ Donation on a Driver's License.

NEDS is the parent organization of New England Organ Bank, the federally-designated Organ Procurement Organization (OPO) responsible for coordinating organ and tissue donation in the six New England States including New Hampshire. It is the staff of NEDS who obtain authorization for donation and who work in accordance with the state's Uniform Anatomical Gift Act on a daily basis. Notably, New England Organ Bank was also instrumental in drafting and passing the revised Uniform Anatomical Gift Act in New Hampshire enacted in 2010.

NEDS supports the intent of HB421 to ensure that an individual's decision to become an organ and tissue donor after their death is fulfilled. While NH law already ensures that an individual's registration as a donor is legal authorization for donation and no change to the current UAGA is necessary to achieve the purpose and intent of the legislation, NEDS has no specific objection to the intent of the bill to make clearer to those who do not work with the UAGA regularly that NH law recognizes the designation of oneself as a donor as legal authorization for donation after death.

Sincerely,



Sean M. Fitzpatrick  
Senior Vice President, Public Affairs

# Voting Sheets

# Senate Transportation Committee

## EXECUTIVE SESSION RECORD

### 2021-2022 Session

Bill # HB 421

Hearing Date: 4/13/21

Executive Session Date: 4/13/21

Motion of: OTD Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent calendar Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Sherman

Notes: \_\_\_\_\_



# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Wednesday, April 14, 2021

THE COMMITTEE ON Transportation

to which was referred **HB 421**

AN ACT relative to organ donation on a driver's license.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Tom Sherman  
For the Committee

This bill clarifies that a person's decision to donate their own body, organ, or tissue upon death is not subject to amendment or revocation after such person's death. This bill protects an individual's decision. Additionally, this bill provides clarifying language pertaining to the uniform anatomical gift act so that the law can more easily be understood.

Kirsten Koch 271-3266

FOR THE CONSENT CALENDAR

**TRANSPORTATION**

**HB 421**, relative to organ donation on a driver's license.

Ought to Pass, Vote 5-0.

Senator Tom Sherman for the committee.

This bill clarifies that a person's decision to donate their own body, organ, or tissue upon death is not subject to amendment or revocation after such person's death. This bill protects an individual's decision. Additionally, this bill provides clarifying language pertaining to the uniform anatomical gift act so that the law can more easily be understood.

Docket of hb421

01/10/2021	H	Introduced (in recess of) 01/06/2021 and referred to Transportation HJ 2 P. 47
01/27/2021	H	Public Hearing: 02/05/2021 09:30 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/92807074926">https://www.zoom.us/j/92807074926</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
03/05/2021	H	Executive Session: 03/05/2021 11:30 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/99182085994">https://www.zoom.us/j/99182085994</a>
03/24/2021	H	Committee Report: Ought to Pass (Vote 19-0; CC) HC 18 P. 24
04/07/2021	H	Ought to Pass: MA VV 04/07/2021 HJ 5 P. 48
04/07/2021	H	Reconsider (Rep. Osborne): MF VV 04/07/2021 HJ 5 P. 50
04/07/2021	S	Introduced 04/01/2021 and Referred to Transportation; SJ 11
04/08/2021	S	Remote Hearing: 04/13/2021, 01:30 pm; Links to join the hearing can be found in the Senate Calendar; SC 19
04/14/2021	S	Committee Report: Ought to Pass, 04/22/2021; Vote 5-0; CC; SC 20
04/22/2021	S	Ought to Pass: RC 23Y-1N, MA; OT3rdg; 04/22/2021; SJ 12
05/17/2021	S	Enrolled Adopted, VV, (In recess 05/13/2021); SJ 16
05/17/2021	H	Enrolled (in recess of) 04/09/2021 HJ 7 P. 104

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: HB 421

Senate Committee: Transportation

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted): None

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) {Clerk's Office}**

\_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

\_\_\_ Enrolled Bill Amendment(s)

\_\_\_ Governor's Veto Message

**All available versions of the bill: {Clerk's Office}**

\_\_\_ as amended by the senate      \_\_\_ as amended by the house

\_\_\_ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Kirsten Koch  
Committee Aide

7/26/21  
Date

Senate Clerk's Office \_\_\_\_\_