

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 3074**

BY DELEGATES HIGGINBOTHAM, ELLINGTON AND

ROHRBACH

[Introduced March 11, 2021; Referred to the  
Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §16-19-24, relating to information on organ and tissue donations; requiring the  
 3 state’s Department Of Education to develop a curriculum for students in grades nine  
 4 through 12; allowing parents of children to opt out of receiving instruction or materials  
 5 relating to anatomical donation; and authorizing public institutions of higher education to  
 6 provide information to its students.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 19. ANATOMICAL GIFT ACT.**

**§16-19-24. Information relative to organ and tissue donation.**

1 (a) Model curriculum. – Within nine months of the effective date of this section, the state  
 2 Department of Education, in consultation with the designated organ procurement organizations,  
 3 shall develop and post on the state Department of Education’s publicly accessible internet website  
 4 a model curriculum regarding organ donation for students in grades nine through 12 which public  
 5 and nonpublic schools may use to provide instruction. The form and content of the model  
 6 curriculum regarding organ donation shall be determined by the state Department of Education.

7 The model curriculum shall, at a minimum, do all of the following:

8 (1) Provide a comprehensive, scientific overview of anatomical donation, its history and  
 9 scientific advancement.

10 (2) Fully address the myths and benefits of and misunderstandings regarding organ and  
 11 tissue donation.

12 (3) Explain the options available to minors and adults, including the option of designating  
 13 oneself as an organ and tissue donor.

14 (b) Materials. – Within nine months of the effective date of this section, the state  
 15 Department of Education shall make related instructional materials available on the state  
 16 Department of Education’s publicly accessible internet website to public and nonpublic schools  
 17 educating students in grades nine through 12. Nothing in this subsection may be construed to

18 require public or nonpublic schools to use the instructional materials.

19 (c) Parental option. – A minor enrolled in a public or nonpublic school shall be permitted  
20 to opt out of receiving instruction or materials relating to anatomical donation as provided under  
21 this section if the minor’s parent or guardian has provided written notice to the school.

22 (d) Institutions of higher education. –

23 (1) Beginning with the 2021-2022 school year, each public institution of higher education  
24 in this state may provide, in collaboration with the designated organ procurement organizations,  
25 information to its students, either through student health services or as part of the curriculum,  
26 which:

27 (i) Provides a comprehensive, scientific overview of anatomical donation, its history and  
28 scientific advancement; and

29 (ii) Addresses the myths and benefits of and misunderstandings about anatomical  
30 donation.

31 (2) Beginning with the 2021-2022 school year, each private institution of higher education  
32 in this state may provide, in collaboration with the designated organ procurement organizations,  
33 information to its students, either through student health services or as part of the curriculum,  
34 which:

35 (i) Provides a comprehensive, scientific overview of anatomical donation, its history and  
36 scientific advancement; and

37 (ii) Addresses the myths and benefits of and misunderstandings about anatomical  
38 donation.

NOTE: The purpose of this bill is to provide for dissemination of information on organ and tissue donations to students in grades nine through 12 and students at public institutions of higher education.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.