

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute for

House Bill 3074

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[Committee on Education; reported on March 26, 2021]

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 information to be made available to students
4 in grades nine through 12; allowing parents of children to opt out of receiving instruction
5 or materials relating to anatomical donation; and authorizing public and private institutions
6 of higher education to 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) Public schools educating students in grades nine through 12 shall provide appropriate
2 information and instruction to students on organ donation.

3 (b) Within nine months of the effective date of this section, the state Department of
4 Education shall compile a list of instructional materials relating to organ donation and make the
5 list available on the state Department of Education's publicly accessible internet website to public
6 schools educating students in grades nine through 12: *Provided*, That nothing in this subsection
7 requires a public schools to use the instructional materials on such list. The instructional materials
8 made available shall, at a minimum, provide information on the following:

9 (1) Provide a comprehensive, scientific overview of anatomical donation, its history and
10 scientific advancement, the educational material shall specify the various types of donation
11 processes-living-related, living-non-related and cadaveric;

12 (2) Fully address the myths and facts of and misunderstandings regarding organ and
13 tissue donation; and

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

16 (c) A minor enrolled in a public school shall opt out of receiving instruction or materials
17 relating to anatomical donation as provided under this section if the minor's parent or guardian
18 has provided written notice to the school.

19 (d) Institutions of higher education.

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

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

26 (ii) Addresses the myths and facts of and misunderstandings about anatomical donation.

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

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

33 (ii) Addresses the myths and facts of and misunderstandings about anatomical 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.