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ROLL NUMBER

DESCRIPTION

2163

2007 SENATE HUMAN SERVICES

SB 2163

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2163

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 1-17-07

Recorder Job Number: 1273, 1303, 1304

Committee Clerk Signature

*Mary K Monson*

Minutes:

Senator J. Lee, Chairman, opened the hearing on SB 2163 relating to the revised Uniform Anatomical Gift Act.

Senator Ralph Kilzer (Dist. #47) introduced SB 2163 as prime sponsor. He talked about both the morbidity and mortality aspects of transplants. This legislation is meant to more clearly identify who can be a donor.

Judge Gail Hagerty (District Judge from Bismarck) testified in favor of SB 2163.

(Attachment #1)

Senator Dever said that now if he wants to be a donor, he puts it on his drivers license. With this he wanted to know if he would have to hire an attorney to put this together.

Judge Hagerty said the wish is that it is put on the drivers' license.

Senator Dever asked if his family could prevent it.

Judge Hagerty said that probably wouldn't be exactly a legal statement if you have made a designation of a gift. However, in many cases, family wishes are respected. This strengthens the language which is in current law and would allow your intentions to be carried through.

Senator Dever asked what happens if the family disagrees with it and argues after his death.

Judge Hagerty said it will happen pretty fast and the law will say, follow your intentions.

Senator J. Lee asked if this also applies to someone who chooses to donate their bodies to medical school.

Judge Hagerty replied yes it does.

Senator Heckaman asked if any of this mirrors any federal law.

Judge Hagerty said it coordinates well with federal law.

Senator Dever asked about minor child on page 4, line 26. Does emancipated need to be defined?

Judge Hagerty said it is. That is a legal term that is defined and people know what that means.

Emancipated is a child who is no longer under parental control.

Senator J. Lee asked about an underage mother. She is under the control of her parents, but she is in control of the baby. If the baby should not live the mother could make the choice about donating an organ. Could the grandparents of the baby overrule?

Judge Hagerty wasn't sure if it specifically addressed that.

Senator Warner asked about maintaining the integrity of the bill as presented.

Judge Hagerty said the uniform law commission is kind of one of the last state's rights according to organizations because where there are areas of law that should be the same in each state, they try to draft laws that will be acceptable to all the states. That doesn't mean they are all the same but they are looking at the big picture. There could be minor variations and it could still be a uniform law. The important thing is that people are mobile and it is important that their document of gift be good wherever they are.

Senator Pomeroy talked about the living wills which is also very helpful.

Judge Hagerty said that would be a documented gift – a statement of intention to make a gift.

Senator Warner asked if she anticipated a registry would also include genetic data that might be useful. Does it include genetic material or simply a list of donors?

Judge Hagerty replied that the registries in place now are lists of donors and their wishes.

Monica Kersting (Parent from West Fargo) testified in favor of SB 2163 and requested that the anatomical gift act go through as quickly as possible. She told the story of losing their daughter 2 ½ years ago waiting for a lung transplant. She and her husband are trying to remove roadblocks that prevent people from being donors, the things that make it a difficult process.

Loren Kersting (Parent from West Fargo) testified on behalf of his daughter who died while waiting for a lung transplant. His daughter was number 1 on the list. He is concerned about all those who are lower on the list. He feels ND has the opportunity to be the first state to pass this revised act that takes the roadblocks away.

Pat Ward (representing LifeSource) testified that organ donation is an opportunity for a person to not diminish mankind when they pass but to actually provide for assistance and help for others. One organ donor can impact as many as 50-60 lives and their families in a positive way. He told the positive story of his uncle who received a heart transplant 15 years ago. He then introduced Susan Larson, Mpls.

Susan Mau Larson (Director for Public Affairs, LifeSource) testified in support of SB 2163.

(Attachment #2)

Senator Dever asked how big is the problem and how great is the solution?

Ms. Larson said they have been working with the Dept. of Transportation. They are able to call the state and determine if donor is on their license and then share that with the family. The gap is the number of people who are not documenting their wishes. This will provide information to further enhance. Minors, 14-17 year olds, can't document their wishes to donate right now. That could be an eight year gap where they can't document their wishes.

Senator J. Lee offered information that someone who dies from an illness still may be a donor.

Senator Warner asked about transplantation in infants and the necessity for an autopsy needed to gather evidence for criminal prosecution versus the desire to expedite, as soon as possible, the transplant tissue.

Ms. Larson said they work closely in partnership with medical examiners in their region when there is a case and they are involved to try and work through that.

Bruce Levi (ND Medical Association) reported that they had worked early on with Judge Hagerty and brought the bill to their commission on ethics who reviewed it. They like it and lend their support of SB 2163.

Donna Gage (Registered Nurse) testified in support of SB 2163. (Attachment #3)

Dr. Mary Ann Sens (Professor and Chair of Pathology, UND) testified in support of SB 2163 and also highlighted some concerns she had. (Attachment #4)

Sophia Prezler from Bismarck testified on her own behalf as a concerned citizen in opposition to SB 2163.

There was no neutral testimony.

Senator J. Lee asked Judge Hagerty if she would provide additional information on previous questions.

Judge Hagerty said that after the drafting process they made several contacts with the National Association of Medical Examiners and they worked through the language. The tension is probably what would be found in other areas of the country but not in ND.

The organ procurement organization has dealt with this and it has been a problem for them particularly in NY, NJ, and sometimes in CA. In order to have some type of compromise there can be a mutually agreed upon protocol. (Meter 64:00) The issue is only an issue when recovering organs, because tissue is not in as short supply and the timing isn't as critical.

Senator Warner asked about the definition of decedent on page 2, line 10-14, and if there is a technical definition of fetus and embryo.

Judge Hagerty said that issue was discussed a lot at their last meeting. By including stillborns and fetuses in the definition of decedent this act assures that stillborns and fetuses continue to receive the statutory protection conferred by the fact, namely, that their body or parts cannot be used for transplantation, therapy research, or education without the appropriate consent.

The definition does not broaden the scope of available transport or research subject or technique. If those terms were taken out, it would be taking protection away.

Senator Warner asked for a distinction between "guardian" and "guardian ad litem" on page 3.

Judge Hagerty said that guardian ad litem is someone who is usually appointed just to represent someone during the time when a court action is pending. It's a short term assignment to represent someone's interest in court.

Senator Warner asked the medical examiner a question about the duration and viability of the tissue. Would decisions on the harvest of organs be made while the heart is still beating and the organs are still being profused with oxygen?

Dr. Sens said that was true. The person is on an artificial life support. They have been declared brain dead according protocol set forth. When a person is found dead the organs cannot be used but many tissues may be used, primarily for therapeutic purposes in contrast to life saving.

Senator Warner asked about the time frame when a tissue sample isn't viable any longer.

Dr. Sens replied the cutoff is 24 hours from the time the person was seen alive.

Senator Heckaman asked what forms of tissue are harvested.

Dr. Sens replied heart valves, bones, skin, and vascular tissue.

Senator Dever asked Judge Hagerty if they were to consider amendments to address Dr. Sens concerns would if jeopardize the uniformity of the act.

Judge Hagerty said there can be minor variations and it would still be a uniform act. She hoped it would be left as it is.

The hearing on SB 2163 was closed.

**Job #1303**

Senator J. Lee opened SB 2163 for discussion.

Senator Dever reported that Judge Hagerty told him if they would simply insert the words "of an organ" after the word "recovery" on page 19, line 6, that would satisfy Dr. Sens concerns.

Senator J. Lee asked if Judge Hagerty was ok with that as well.

Senator Dever said Judge Hagerty would prefer they do not include the amendment but, if they do, she would like to see the simplest kind.

The issue on page 2, line 10-12, about the inclusion of the fetus was discussed. The inclusion grants some protection.

Senator J. Lee suggested they might get some further information from Judge Hagerty on that issue.

The discussion on SB 2163 was closed.

**Job #1304**

Senator J. Lee opened SB 2163 for discussion and she asked Bruce Levi from the Medical Association for additional comments to make sure the current advanced directives are in sync with this bill.

Bruce Levi (Medical Association) said they reviewed a version of the bill before it was through LC. The advanced directive piece was more generic. There needs a little work done to clean



up some of the references. He offered to present a proposed amendment to address that clean up.

Senator J. Lee closed discussion on SB 2163.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2163

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 1-22-07

Recorder Job Number: 1537, 1539

Committee Clerk Signature

*Mary K Monson*

Minutes:

Senator J. Lee, Chairman, opened SB 2163 for discussion on an amendment and she invited Judge Hagerty to explain the amendment. One of the questions the committee had was about making sure it was synchronized with the advanced directives legislation that was passed last session. Another question was about whether or not to include the word "fetus" at the beginning.

Judge Hagerty brought amendments by Bruce Levi (Medical Association). Words were added to make sure where health care directives are talked about the statutory scheme is included. A typographical error was corrected. A change requested by Dr. Sens with regard to adding the words "of an organ" was also made.

She addressed the concern with the word decedent at the beginning of the bill using language involving a stillborn infant and fetus. The reason the language is in there is because this act talks about who could make any gift that would be made and also prohibits sale. If those words are taken out, they are taken out of the protection of the act.

**Job # 1539**

Senator J. Lee reopened SB 2163 for discussion.

Senator Warner said it was important to remind the committee that this is the bill that provides a greater degree of protection for the donor. He was comfortable that the language which would include stillborn infant and fetus grants greater protection under this bill than if it were deleted.

Senator Warner moved to accept the amendments prepared by the Medical Association.

Second by Senator Dever.

Roll call vote 6-0-0. Amendment accepted.

Senator Dever moved a Do Pass as Amended.

Second by Senator Pomeroy.

Roll call vote 6-0-0. Passed. Carrier is Senator Warner.

**Proposed Amendments to SB 2163  
North Dakota Medical Association**

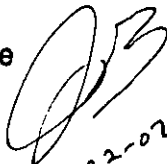
Page 8, line 26, replace "reasonable" with "reasonably"

Page 16, line 23, after "means" insert "health care directive under chapter 23-06.5," and after the second "care" insert an underscored comma

Page 17, line 4, after "declaration" insert "or advance health care directive"

Page 19, line 6, after "recovery" insert "of an organ"

Renumber accordingly

  
1-22-07

PROPOSED AMENDMENTS TO SENATE BILL NO. 2163

Page 8, line 26, replace "reasonable" with "reasonably"

Page 16, line 23, after "means" insert "a health care directive under chapter 23-06.5," and after the second "care" insert an underscored comma

Page 17, line 4, after "declaration" insert "or advance health care directive"

Page 19, line 6, after "recovery" insert "of an organ"

Renumber accordingly

Date: 1-22-06  
 Roll Call Vote #: 1

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2163**

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken amendments by medical association

Motion Made By Sen. Warner Seconded By Sen. Dever

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V. Chair	✓		Senator Jim Pomeroy	✓	
Senator Dick Dever	✓		Senator John M. Warner	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 1-22-06  
Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2163

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number 70453.0101 Title .0200

Action Taken Do Pass as Amended

Motion Made By Sen. Dever Seconded By Sen. Pomeroy

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V. Chair	✓		Senator Jim Pomeroy	✓	
Senator Dick Dever	✓		Senator John M. Warner	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Warner

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2163: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2163 was placed on the Sixth order on the calendar.

Page 8, line 26, replace "reasonable" with "reasonably"

Page 16, line 23, after "means" insert "a health care directive under chapter 23-06.5," and after the second "care" insert an underscored comma

Page 17, line 4, after "declaration" insert "or advance health care directive"

Page 19, line 6, after "recovery" insert "of an organ"

Renumber accordingly



2007 HOUSE HUMAN SERVICES

SB 2163

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2163

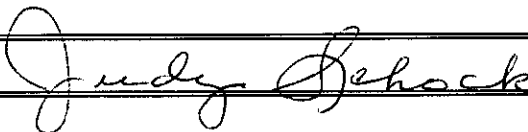
House Human Services Committee

Check here for Conference Committee

Hearing Date: March 7, 2007

Recorder Job Number: 4541

Committee Clerk Signature



**Chairman Price:** We will open the hearing on SB 2163.

**Senator Ralph Kilzer:** The anatomical gift has been revised because it has been more than 20 years since this has been updated. Many things have changed in that time including the appearance of the donor on your drivers license. The uniformed part is states are becoming more uniform in their laws. There are about 25 states that have adopted similar legislation. It is estimated that more than 7,000 people die each year in our country, waiting organ transplants. These are lives that could be saved. Ethically the recipients are the people who need them the most, and closest to death. This makes the survivor ability less. This bill makes it easier for people to donate and clarifies the legal process.

**Judge Gail Hagerty of Bismarck:** See attached testimony. I have worked 2 years working on this bill. In January 2006 there were more than 92,000 people on the waiting list of organ transplantation, and the list is growing. I read it is growing by 5,000 a year. The lack of organs results from a lack of organ donors. This bill has provided addition ways to make organ and tissue donations. These changes will keep ND laws keep pace with those improvements and changes. It is good for all of the states to have law that is very similar. People move around and travel around, so it is good to have uniform law. It empowers minors who are eligible to apply for a drivers license to designate an intention to be a donor, if that young person would

die before they are 18 their parents would have the final word. If they die after 18 their decision would be honored. It is encouraging donor registries and set up standards. I would think there will be federal money available to help states that don't have registries to do that. That is a helpful provision.

**Representative Weisz:** Is there a reason why we have decline virtually everything in here that is possibly defined in other places in code?

**Judge Hagerty:** I think you can't read that act with out the definition. I think this is helpful to read the whole act together.

**Chairman Price:** In the event that someone is looking at this, would they have to go to this part of the code and that part of the code?

**Judge Hagerty:** It is a uniform act and we want it read informally in all the states so if there is another definition in another part of the code it might not be the same. It is important to have these provisions. We are comfortable with the Senates amendments.

**Representative Porter:** Do you see adding the emergency clause to it as a problem.

**Judge Hagerty:** It is not a problem at all. I am getting forms ready for emergency cases. I would like it.

**Pat Ward, with Bismarck law firm of Zuger Kirmis & Smith:** See attached testimony:

**Susan Mau Larson, Director of Public Affairs for LifeSource:** See attached testimony.

**Ed Christianson:** In 2003 my wife passed away. She had a donor license. It was unexpected, and you don't have much time to think. When LifeSource arrived they did a wonderful job with me and my kids. It is hard to do, but that was her wishes. We have gotten something out that many do not. I have had the opportunity to meet the lady that received my wife's liver. It is a great feeling to know you are helping someone else out. If you think you are to old you are not. It is a good feeling to give.

**Bruce Levi, American Medical Association:** We support this bill. We were involved in the National level. I also represent the ND society of eye physicians and surgeons in ND. The uniformity among the states is what is important here, and is critical the donors wishes will be honored. Transplantation occurs across state boundaries and requires speed and efficiency if the organ plantation is successful.

**Craig Lahren, Administrator for the ND Department of Health Forensic Examiners:** I am here to support the bill, and I will be offering testimony for **Dr. Mary Ann Sens, who is acting state forensic examiner for the ND Department of Health.** She has also included a letter from the National Association of Medical Examiners.

**Lauren Kersling:** testimony left for the committee see attached.

**Representative Weisz:** on 2306 2607 on page 7 of the bill he asks **Judge Hagerty** to explain and define words.

**Chairman Price:** Is there any more testimony for SB 2163? If not we will close the hearing on SB 2163.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2163

House Human Services Committee

Check here for Conference Committee

Hearing Date: March 14, 2007

Recorder Job Number: 5097

Committee Clerk Signature

*Judith Dehock*

Minutes:

**Rep. Damschen:** I think Rep. Weisz brought up a good point in the discussion if I'm remembering. Isn't this the one that had stages of definitions? Well that is obvious. It wasn't defined in the bill. It was very obvious although some of it is not.

**Rep. Price:** I know they can't have all the definitions. It makes it easier to the average person.

**Rep. Damschen:** I can understand that too but I thought it was kind of funny how they didn't include that definition in there as well. I forget what the term was.

**Rep. Price:** I just remember back to how many sessions he went around in this committee. She realized that she put the Department a little in the box on a couple of things. Before we go too far, this amendment that is in front of you came out of discussion between Gale Hagerty and the Forensic Examiner. The Forensic Examiner and another person are having dinner tonight. There are further things that need to come out which we may need to go to conference for. She did like this amendment too.

**Rep. Weisz:** If you read the bill, the reality is the way it is set up now, you can revoke your donor license. Someone else could still decide if you are going to be an organ donor unless you spell out all of these criteria that you have to do. That is why I asked the question. There as a definition of refusal but there wasn't for identification. You can get it revoked but it doesn't

mean anything. Revocation means nothing. They can ignore it. I guess that is just a concern that I have. Under this bill everyone is a donor under implication. That is what it is doing.

Someone can't do this unless you specifically spell it out. You can put organ donor on your card but if you read the bill in the language, they can just go ahead and let you specifically do that. That is my opinion. I want everyone to be an organ donor. I think there are some gray areas. Revocation does not mean a refusal; it does not bar another person from making the gift. Even though they are revoked, they can still go ahead and do it. That is my concern.

**Rep. Conrad:** You can revoke it but if someone else is responsible they can do it?

**Rep. Weisz:** That's right.

**Rep. Conrad:** So if you have given up your authority>

**Rep. Weisz:** A revocation means nothing I guess in the context of this because it does not mean a refusal. It does not bar anyone else from going ahead and donating their organs, even though you have revoked it. That is the concern I have. It's on page 3 line 26. Then you ought to look under refusal and you will see what refusal is. It has records. It has to have an adequate assigned record saying that you refused. If you don't have that anybody can donate your organs.

**Rep. Kaldor:** I'm curious about that. There has to be another person specified in that section that can make that decision. It isn't just you. Someone else can make that decision on your behalf. If you are lying on the table and you decide to revoke when a decision has been made. If they haven't cut you, and you say that you revoke, what happens?

**Rep. Porter:** Revocation was not an anatomical gift of the donor's body or part. It is not a refusal. It does not do that.

**Rep. Kaldor:** That is someone acting on your behalf, you aren't on the table.

**Rep. Weisz:** Yeah but you have revoked it but now you are saying that they can turn around and do it.

**Rep. Conrad:** This happened with my father. He did not have a statement as to be a donor or not. They called my mother after he passed away and asked if they could donate his eyes. She said yes. What Judge Hagerty was saying that if you revoke it, you take it back to nothing? So then if somebody is responsible later, they can say that yes it is ok. When you revoke it, someone can step in and do that.

**Rep. Weisz:** But if you revoke it you have made a statement. It is not a refusal.

**Rep. Conrad:** Is there an amendment that could help this?

**Rep. Weisz:** I don't know. I don't know if it is important. I don't know why that subsection 2 really has to be in there.

**Rep. Kaldor:** On page 5 under that provision, that pretty much says that the donor can do it.

**Rep. Weisz:** None of that applies though.

**Rep. Kaldor:** You think on page 6 that all of those subsections have to exist before the revocation occurs? I guess that I thought if the donor revokes, he revokes. The records are signed by, under subsection a, the donor. If I revoke it, it is revoked.

**Rep. Weisz:** That is how I interpreted it too. Refusal and revocation are separate things.

**Rep. Kaldor:** Revoking is taking it away. What part talks about refusal?

**Rep. Weisz:** On page it talks about refusal and revocation. It is not a refusal and does not bar another person from making that decision. That is my only concern.

**Rep. Kaldor:** That other person would have to be who is then left in charge of your remains after you are dead.

**Rep. Weisz:** I understand that and that is my whole thing. If a person revokes being an organ donor, then why shouldn't those who are left require fulfilling those wishes? It's one thing if

you just died and your spouse wants to donate your organs that are fine. If you say you don't want that to happen, she shouldn't. You have stated you revoked your organ donor. That is my only concern.

**Rep. Pietsch:** A refusal is a simple signature.

**Rep. Weisz:** No a revocation is a simple signatures.

**Rep. Price:** C is any form of communication made by the individual.

**Rep. Weisz:** That is anything.

**Rep. Price:** That is a refusal.

**Rep. Weisz:** No read the definition of the refusal.

**Rep. Price:** Page 6 line 24 says an individual may refuse by a record signed by the person, or communication between some forms.

**Rep. Weisz:** Yes but that is not what the definition says. Refusal has to be on record.

Revocation doesn't.

**Rep. Price:** You are right.

**Rep. Weisz:** I don't want to muddy up the waters.

**Rep. Kaldor:** I'm wondering if this language doesn't also give the right let's say if you wanted to give a donation and your child made the decision that they don't want to. There is a way they are authorized to make that decision. I think it is on the bottom of page 9. I'm wondering if they have that language in place to allow for a revocation when a refusal hasn't been signed by a donor. In other words you decided you don't want to donate your organs but you forgot to sign the refusal. Now someone else is going to act on your behalf.

**Rep. Weisz:** So I die and my two boys are in charge. One of them revokes my gift. The way I also read out of the statute is beings is not a refusal, I am going to give. That is separate in the section. On page 7, that part refers strictly to the standpoint of refusal and revocation of the



donor. I don't think there is a problem on page 9. If I revoke myself I don't want my two sons to squabble and say that they are going to do it anyways.

**Rep. Kaldor:** So we should get the revocation in writing.

**Rep. Weisz:** Say you are on your deathbed and you say you revoke your own for whatever reason. I don't want my organs going elsewhere; it won't mean a thing because I won't have the time to actually do that.

**Rep. Price:** A revocation is to be used at the point that yes I am going to donate. Then maybe not. Someone else can make the decision and go through the order. That is what she indicated.

**Rep. Weisz:** There are too many definitions.

**Rep. Schneider:** I agree. You are not out of line by any means. But revocation and refusal are two different terms. It would be nice to have them spelled out. I think everything is protected as far as if you are in that situation and on your deathbed. You decide you don't want your organs donate.

**Rep. Uglem:** Do we need a change in definition. Refusal means a greater record. That doesn't meet the definition of a record. If it doesn't then why am I defining record in the first place? So are we defining record?

**Rep. Weisz:** Basically what we are saying is that you can give it to the adults and they put it in a written format.

**Rep. Uglem:** Is that just an error in the definition? Should that definition say 06 instead of 07? If that said 06 instead of 07 it would point to the definition.

**Rep. Price:** Right.

**Rep. Weisz:** No because beings the refusal is strictly addressed in that subsection, we are saying that the definition number is here. That definition of refusal is the one that applies. What it doesn't say is that it applies all the way through.

**Rep. Kaldor:** The definition is meant to apply in 2306-07. It isn't meant to apply there.

**Rep. Price:** The definition says the record created under, not applied to.

**Rep. Weisz:** That is what the point is; you would have to create a record to have a refusal. We can say that. It applies to the section where a record has to be created.

**Rep. Uglem:** I didn't come up with that.

**Rep. Kaldor:** I think you are right.

**Rep. Price:** There was no record created in 07.

**Rep. Weisz:** That is the point. It is not a refusal. It is created if it is a refusal. It is saying you revoke. The donor's revocation is not a refusal. A refusal goes back to its definition. What they are saying is that if you follow all the rules of revocation they don't apply unless you do what refusal does. I'm saying that either we need to make the definition of refusal more clear or figure something else out.

**Rep. Price:** The definition was not created in 07.

**Rep. Uglem:** There is no definition of organ.

**Rep. Weisz:** Also there is refusal for the records. Subsection C doesn't necessarily state that. The issue I brought up is how broad is it going to be in the end? For your spouse or someone to decide that.

**Rep. Kaldor:** That is why you need to do a refusal.

**Rep. Weisz:** Not everyone is going to understand a refusal. That is why I think it is going to have to be clear.

