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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 197

## **An Act to facilitate organ donation**

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**Introduction**

**Introduced by  
Mr. William Cusano  
Member for Viau**

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## **EXPLANATORY NOTES**

*This bill amends the Health Insurance Act to provide that upon each application for registration, for a renewal of registration or for the replacement of a health insurance card or eligibility card, insured persons must indicate in writing if they consent to the removal of organs or tissues from their body for transplantation, do not consent to it or are not ready to make that decision at that time.*

*The bill allows the Régie de l'assurance maladie to record the consent or absence of consent of insured persons according to the procedure it determines. The bill requires that the Board send that information to the personnel of a health institution if they request it.*

*The bill also requires physicians who are involved in the treatment of a user, the drawing up of the user's attestation of death or the removal of organs or tissues from the user's body to carry out the user's wishes and to verify with the person who could consent or could have consented to care, by any reasonable means and within a timeframe that does not jeopardize the removal or transplantation of organs or tissues, whether the user, to that person's knowledge, changed his or her wishes.*

*Lastly, the bill provides that insured persons may give or revoke their consent to organ donation at any time.*

### **LEGISLATION AMENDED BY THIS BILL:**

- Health Insurance Act (R.S.Q., chapter A-29);
- Act respecting health services and social services (R.S.Q., chapter S-4.2).

# Bill 197

## AN ACT TO FACILITATE ORGAN DONATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The Health Insurance Act (R.S.Q., chapter A-29) is amended by inserting the following section after section 9.0.4:

**“9.0.5.** When applying for registration, for a renewal of registration or for the replacement of a health insurance card or eligibility card, insured persons must indicate in writing if they consent to the removal of organs or tissues from their body for transplantation, do not consent to it or are not ready to make that decision at that time.

The Board shall record the wishes of an insured person according to the procedure it determines. Despite the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), it shall communicate the insured person’s wishes to the personnel of an institution if they request it.

Insured persons may, at any time, consent or revoke their consent to the removal of organs or tissues for transplantation by expressing their wishes verbally before two witnesses or in a writing sent to the Board. In the latter case, the Board must record and communicate the written wishes in accordance with the second paragraph.”

**2.** Section 72 of the said Act is amended by inserting the following subparagraph after subparagraph *h* of the first paragraph:

“(h.1) determining the procedure for recording the wishes indicated by insured persons in accordance with section 9.0.5 concerning the removal of organs or tissues from their body for transplantation;”.

**3.** The Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by inserting the following section after section 9:

**“9.1.** Users are entitled to consent or to refuse to consent to the removal of organs or tissues from their body for transplantation and to have their wishes followed.

The physicians involved in the treatment of a user, the drawing up of the user's attestation of death and the removal of organs or tissues from the user's body must carry out the user's wishes after verifying, with the person who could consent or could have consented to care, whether the user, to that person's knowledge, changed his or her wishes. The verification must be done by any reasonable means and within a timeframe that does not jeopardize the removal and transplantation of organs or tissues."

**4.** This Act is public policy and has effect despite any Act or regulation contrary to or inconsistent with this Act.

**5.** This Act comes into force on the date to be set by the Government.