WEST VIRGINIA CODE: §16-19-19

§16-19-19. Donor registry.

(a) The Division of Motor Vehicles may establish, or contract for the establishment of, a donor registry.

(b) The Division of Motor Vehicles shall cooperate with a person that administers any donor registry established or contracted for pursuant to this section or recognized for the purpose of transferring to the donor registry all relevant information regarding a donor's making, amendment to, or revocation of an anatomical gift.

(c) The Division of Natural Resources shall provide all relevant information regarding a donor's making, amendment to, or revocation of an anatomical gift to a donor registry established or contracted for pursuant to this section.

(d) The Secretary of State may establish, contract for the establishment of, a donor registry, or contract for a system to transmit donor information to a donor registry. The Secretary of State shall provide all relevant information, collected pursuant to the provisions of §3-2-5 of this code, regarding a donor's making, amendment to, or revocation of an anatomical gift to a donor registry in connection with the registration of voters and changes to a person's voter information.

(e) A donor registry must:

(1) Allow a donor or person authorized under §16-19-4 of this code to include on the state registration card a statement or symbol that the donor has made, amended, or revoked an anatomical gift;

(2) Be accessible to a procurement organization to allow it to obtain relevant information on the donor registry to determine, at or near death of the donor or a prospective donor, whether the donor or prospective donor has made, amended, or revoked an anatomical gift; and

(3) Be accessible for purposes of subdivisions (1) and (2) of this subsection 24 hours a day, seven days a week.

(f) Personally identifiable information on a donor registry about a donor or prospective donor may not be used or disclosed without the express consent of the donor, prospective donor, or person that made the anatomical gift for any purpose other than to determine, at or near death of the donor or prospective donor, whether the donor or prospective donor has made, amended, or revoked an anatomical gift.

(g) The Director of the Division of Natural Resources shall provide information regarding the existence of the anatomical organ donation program, the procedures for a hunting or fishing

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license applicant to indicate his or her desire to make an anatomical gift, and having document of gift affixed to his or her hunting or fishing license pursuant to this article.

(h) The Division of Natural Resources shall be reimbursed for all costs relating to the creation and administration of an anatomical gift record by the Center for Organ Recovery and Education: *Provided*, That the division is absolved of all responsibilities to collect and provide donor registrant records pursuant to this article if not reimbursed according to this subsection.

(i) The Secretary of State shall provide every person registering to vote, or modifying details of his or her registration, information regarding the existence of the anatomical organ donation program, the procedures for a voter to indicate his or her desire to make an anatomical gift, and having a document of gift affixed to his or her voter registration card pursuant to this article.

(j) The Secretary of State shall be reimbursed by the Center for Organ Recovery and Education for all costs, relating to the creation and administration of a system for transmission of donor information to a donor registry: *Provided*, That the secretary is absolved of all responsibilities to collect and provide donor registrant records pursuant to this article if not reimbursed according to this subsection.

(k) This section does not prohibit any person from creating or maintaining a donor registry that is not established by or under contract with the state. Any private donor registry must comply with subsections (e) and (f) of this section.

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