

[(i)] (9) The provisions of this [section] SUBSECTION shall in no way interfere with the duties of the office of the Chief Medical Examiner. In sudden deaths under the jurisdiction of the office of the Chief Medical Examiner as provided in § 5-309 of this article, notification will be made to the office of the Chief Medical Examiner prior to organ removal.

[(j)] (10) The consent of the decedent's representative is not necessary and the provisions of [subsection (d) of this section] PARAGRAPH (4) OF THIS SUBSECTION do not apply if:

[(1)] (I) The decedent's driver's license or identification card contains a notation that the decedent is an organ donor; or

[(2)] (II) The decedent has consented to the gift of all or any part of the decedent's body in accordance with the provisions of:

[(i)] 1. § 5-604.1 of this article; or

[(ii)] 2. Title 4, Subtitle 5 of the Estates and Trusts Article.

[(k)] (11) A person who acts in good faith to recover organs or tissues in accordance with a notation on the decedent's driver's license or identification card that the decedent is an organ donor, a gift made in accordance with § 5-604.1 of this article or Title 4, Subtitle 5 of the Estates and Trusts Article, or a gift made in accordance with the anatomical gift laws of another state or country is immune from criminal prosecution and liability for damages in any cause of action related to the recovery and donation of the decedent's organs or tissues.

[(l)] (12) The Department shall conduct annual death record reviews at each hospital to determine the hospital's compliance with the provisions of this [section] SUBSECTION. The Department may delegate its duty to conduct annual death record reviews to the appropriate organ, tissue, or eye recovery agency serving the region in which a particular hospital is located.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HOSPITAL OFFERING BONE MARROW TRANSPLANT SERVICES SHALL ALLOW AN INDIVIDUAL TO DONATE BONE MARROW TO ANY INDIVIDUAL.

(2) AN INDIVIDUAL MAY DONATE BONE MARROW TO ANOTHER INDIVIDUAL IF A LICENSED PHYSICIAN DETERMINES, BASED ON THE PHYSICIAN'S MEDICAL JUDGMENT, THAT THE DONATION OF THE BONE MARROW IS IN THE BEST INTERESTS OF THE DONOR AND DONEE DONEE AND THERE IS NO SUBSTANTIAL RISK OF MEDICAL INJURY TO THE DONOR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.

Approved May 10, 2005.