



SPONSOR: Sen. Townsend & Rep. Bentz
Sens. Bushweller, Cloutier, Henry, Lopez, Marshall,
McBride, McDowell, Pettyjohn, Poore, Sokola, Walsh;
Reps. Baumbach, Briggs King, Heffernan, Keeley,
Kowalko, Lynn, Matthews, Osienski

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 17

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO ANATOMICAL GIFTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2801, Title 16 of the Delaware Code by making insertions as shown by underline as follows:

§ 2801 Establishment of registry; testing of donors; penalties.

(c) No person may intentionally, knowingly, recklessly or negligently use the semen, corneas, bones, organs or other human tissue of a donor unless the requirements of subsection (b) of this section have been met. No person may knowingly, recklessly or intentionally use the semen, corneas, bones, organs or other human tissue of a donor who has tested positive for exposure to HIV or any other identified causative agent of AIDS, except that this subsection shall not apply to the recovery and use of organs or other anatomical gifts as authorized under federal law for research and/or transplant from a donor who has tested positive for exposure to HIV where the intended recipients have also tested positive for exposure to HIV. Violation of this subsection shall be a class E felony.

SYNOPSIS

This bill provides for research or transplantation of organs and other anatomical gifts as authorized under federal law among donors who have tested positive for exposure to HIV and intended recipients who have also tested positive for exposure to HIV. Delaware is currently the only state that has laws prohibiting the use of HIV positive organs for HIV positive recipients entirely, including the use of organs as part of a research protocol.

Author: Senator Townsend