



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 197

(2006, chapter 11)

An Act to facilitate organ donation

Introduced 16 December 2004
Passage in principle 19 April 2005
Passage 9 June 2006
Assented to 9 June 2006

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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 or, if they are incapable of giving consent, their legal representative, must indicate in writing if they consent to the removal of organs or tissues 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 or, if they are incapable of giving consent, their legal representative, according to the procedure it determines. The bill requires that the Board send that information to the personnel of an organization authorized by the Minister if they request it.

Lastly, the bill provides that insured persons or, if they are incapable of giving consent, their legal representative, 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 or, in the case of insured persons under 14 years of age, the person having parental authority or the tutor must indicate in writing if they consent to the removal of organs or tissues 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 or, in the case of an insured person under 14 years of age, the person having parental authority or the tutor 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 those wishes to the personnel of an organization authorized by the Minister if they request it.

Insured persons or, in the case of insured persons under 14 years of age, the person having parental authority or the tutor 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 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 in accordance with the Civil Code of Québec (1991, chapter 64).”

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.