



2026 South Dakota Legislature

House Bill 1170

Introduced by: **Representative Garcia**

1 **An Act to allow online access to verify registry status for organ donation.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 34-26-67 be AMENDED:**

4 **34-26-67.** (a) The Department of Public Safety shall establish or contract for the
5 establishment of a donor registry.

6 (b) The department, in partnership with the federally-designated organ
7 procurement organization and any nonprofit tissue or eye donation agency ~~which that~~
8 holds agreements with hospitals in South Dakota, shall compile, operate, maintain, and
9 modify the registry as necessary. The registry ~~shall~~ must include pertinent information on
10 all South Dakotans who have registered to donate organs, tissues, and eyes, and all
11 relevant information regarding a donor's making amendment to, or revocation of, an
12 anatomical gift in accordance with ~~the Revised Uniform Anatomical Gift Act (§§ 34-26-48~~
13 ~~to 34-26-72, inclusive).~~

14 (c) A donor registry must:

15 (1) Allow a donor, or other person authorized ~~under by~~ § 34-26-51, to include on the
16 donor registry a statement or symbol that the donor has made, amended, or
17 revoked an anatomical gift;

18 (2) ~~Allow a donor or~~ an individual, or other person authorized by § 34-26-51, online
19 access to ~~register~~;

20 (A) Register as a donor, ~~to amend an~~;

21 (B) Amend the individual's existing donor status, ~~or remove an~~;

22 (C) Remove the individual's existing donor registration ~~seven days a~~
23 ~~week on a twenty-four hour basis; and~~

24 (D) Verify the individual's donor registration status;

25 (3) Be accessible electronically to the federally designated organ procurement
26 organization and any nonprofit tissue or eye donation agency ~~which that~~ holds

1 agreements with hospitals in South Dakota to allow the procurement organization
2 to obtain relevant information on the donor registry to determine, at or near death
3 of the donor or a prospective donor, whether the donor or prospective donor has
4 made, amended, or revoked an anatomical gift; and

5 (4) Be accessible for purposes of subdivision (2) seven days a week on a twenty-four
6 hour basis.

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

12 (e) This section does not prohibit any person from creating or maintaining a donor
13 registry that is not established by or under contract with the state. Any such registry must
14 comply with subsections (c) and (d).

15 (f) The department shall collect data from the registry that is not restricted by
16 subsection (d) and share the data with the federally-designated organ procurement
17 organization and any nonprofit tissue or eye donation agency ~~which that~~ that holds agreements
18 with hospitals in South Dakota to be used for the purpose of evaluating the effectiveness
19 or educational initiatives to promote organ, tissue, and eye donation that are conducted
20 or coordinated by organ procurement organizations, hospitals, and state agencies
21 operating in the state.