



Bill would make Coloradans organ donors by default

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DENVER (AP) — Some Colorado lawmakers say their state should be the first one where people become organ donors by default, even though other states' efforts have been halted by worries about making such a personal decision automatic.

Colorado's proposal, introduced in the Legislature last week, would change the process for renewing driver's licenses and ID cards so applicants are assumed to be organ and tissue donors unless they initial a statement that says they want to opt out.

The "presumed consent" system is common in Europe and is credited with dramatically raising donation rates.

In the U.S., however, similar approaches have been defeated by lawmakers in at least three states — Delaware, Illinois and New York — because of concerns that donation programs seem coercive if they require residents to say no.

Organ donation advocates hope for a warmer reception in Colorado, where nearly two-thirds of people carrying driver's licenses or state-issued IDs volunteer as donors — a higher rate than in any other state.

One of the bill's sponsors, Democratic Rep. Daniel Pabon of Denver, said the change would simply make it easier for people already willing to donate their organs when they die. The current system relies on Division of Motor Vehicles employees to ask each person who applies for a license or ID.

"This takes a bunch of people who otherwise might donate but just get in the DMV and don't want to stand in line, or they forget, and this makes it easier," said Pabon, whose uncle received a liver transplant after three years on a waiting list in Iowa.

Applicants would see a statement that says, "You are automatically deemed to have consented to being an organ and tissue donor and this designation will appear on your driver's license or identification card."

Opponents of Delaware's 2008 bill called it an intrusion into people's privacy that treats organs as commodities. People against the opt-out method argue that presumed consent could force someone to become a donor against their will. Some people fear a medical team won't work as hard to save them if there is a greater benefit to harvesting the organs.

Pabon noted that Coloradans already seem to embrace organ and tissue donation with a donor volunteer rate that leads the nation, even though the state doesn't offer discounts on state IDs for

donors, as some states do. About 65.6 percent of people with Colorado licenses or IDs, or more than 2.9 million people, are volunteer donors, state officials said.

"This issue is one that's ripe for Colorado," Pabon said of his presumed consent proposal.

Despite Colorado's donation-friendly environment, organ donation advocates say the state still doesn't have enough donors to meet demand.

"After people pass away, there's a way to save nine lives, 10 lives with organ and tissue donations," said Steve Farber, a Denver attorney who received a kidney transplant from his son and co-wrote "On the List: Fixing America's Failing Organ Transplant System."

Farber, who founded the American Transplant Foundation, hasn't yet taken a position on Colorado's opt-out proposal. Even if Colorado raises organ and tissue donations through an opt-out system, there would still be a shortage because medical demand far outpaces supply, he said.

Arthur Caplan, of the University of Pennsylvania's Center for Bioethics, agreed that waiting lists aren't going away.

"The demand for organs is growing so fast that even if we do this, we're not going to meet the shortage," said Caplan, one of the nation's most prominent supporters of opt-out donation programs.

He had some advice for Colorado lawmakers supporting the change: Replace the "presumed consent" title on the bill with a better-sounding "default to donation." Caplan says the phrase "presumed consent" sounds Orwellian to some.

"When you use the word 'presumed' it sounds like you're just going to take the organ, and that doesn't sound good," said Caplan, who last year argued in favor of New York's failed attempt at presumed consent.

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