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# *Legislative Briefs*

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## ORGAN DONATION

2003 Wisconsin Act 119 passed by the legislature and signed by Governor Jim Doyle on January 30, 2004, creates a state income tax deduction for living organ donors. The act is the first of its kind in the United States.

### GREAT NEED FOR LIVING DONORS

The Organ Procurement and Transplantation Network (OPTN), established by the U.S. Congress under the National Organ Transplant Act of 1984, estimates that there are over 83,000 people in the U.S. waiting for organs. Wisconsin is among the top 10 states in number of organ transplants performed, with approximately 800 transplants performed in transplant centers in Milwaukee and Madison every year. Organ Procurement Organizations (OPO) coordinate the activities relating to organ retrieval in areas designated by the Center for Medicare and Medicaid Services. There are 59 OPOs in the U.S., including the University of Wisconsin Hospitals and Clinics (UWHC). The UWHC's designated area includes Illinois, Michigan, Minnesota, and Wisconsin, constituting a population of 3.3 million people.

There are more than 1,400 state residents on waiting lists for organs, with 100 residents dying each year waiting for organs. According to the OPTN, there are currently 4,080 organ donors in Wisconsin. Of that number, 2,215 are classified as "deceased donors". Deceased donors, as defined by the OPTN, are persons declared brain dead but whose organs are still usable, and whose family has offered one or

more organs or tissues for transplantation. At the end of 2003, there were over 5,900 deceased donors, and 6,188 registered living donors nationwide. Across the country, 17 people die each day awaiting organs.

### MAJOR PROVISIONS OF ACT 119

2003 Assembly Bill 477, introduced by Representative Steve Wieckert, was enacted as 2003 Wisconsin Act 119. It authorizes a state income tax deduction of up to \$10,000 that may be claimed by living organ donors who donate one or more of their organs to another person for transplantation. In addition, the act allows a person whose living dependent makes an organ donation to claim the deduction. The deduction applies only towards unreimbursed travel expenses, lodging expenses, and lost wages incurred by the claimant and related to the donation. An individual may claim this deduction only once. Act 119 specifically defines a "human organ" as all or part of a liver, pancreas, kidney, lung, bone marrow, or intestines. Current law (Section 157.06, Wisconsin Statutes) provides for the donation of organs after death; Act 119 creates Section 71.05 (10) (i), and provides for state income tax relief for living donors. This deduction first applies to taxable years beginning on January 1, 2004, and may be claimed in the taxable year in which the organ transplant takes place.

### FEDERAL LEGISLATION

United States Senators Bill Frist and Christopher Dodd introduced a bill in March 2003,

that would award grants toward the financial costs involved in organ donation. The Organ Donation and Recovery Improvement Act (s. 573) would amend the Public Health Service Act to promote organ donation. Major provisions include:

- Authorizing the Secretary of Health and Human Services to award grants for reimbursement of travel and other expenses incurred toward making a living organ donation.
- Requiring the Secretary of Health and Human Services to establish and maintain a

registry of living organ donors.

S. 573 was passed by the Senate in November 2003, and is awaiting action in the U.S. House of Representatives.

In two other states, Indiana and New York, legislation similar to the Wisconsin act has been recently introduced.

For more information, contact the Wisconsin Department of Revenue, Customer Service and Education Bureau at: (608) 266-2772, or e-mail at [income@dor.state.wi.us](mailto:income@dor.state.wi.us). Act 119 is available online at:

[www.legis.state.wi.us/2003/data/acts/](http://www.legis.state.wi.us/2003/data/acts/).