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**HOUSE MEMORIAL 4**

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 1999**

INTRODUCED BY  
Danice Picraux

A MEMORIAL

REQUESTING THAT NEW MEXICANS RECEIVE PRIORITY FOR RECEIPT OF  
ORGANS DONATED BY OTHER NEW MEXICANS WHENEVER SUITABLE.

WHEREAS, organ donation shortages are a chronic problem  
in New Mexico as well as other states; and

WHEREAS, the United States department of health and human  
services has adopted a rule that will change the way organ  
donations are allocated, and the new rule, if implemented,  
will require a national ranking of recipients and a nationwide  
allocation of organs; and

WHEREAS, the new rule will mean that a vascular organ  
donation from a New Mexico family will not be offered first to  
a compatible New Mexico recipient; and

WHEREAS, congress has delayed implementation of the rule,  
but its existence is still a threat to the nation's current  
organ donation system, which was devised by the consensus of  
transplant professionals, recipients and donor families to  
serve the interests of the vast majority of patients awaiting  
transplants; and

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1           WHEREAS, several states have passed laws to negate the  
2 effect of the rule, other states have passed resolutions  
3 urging the secretary of health and human services to rescind  
4 the rule and at least one state has filed a lawsuit to stop  
5 implementation of the rule; and

6           WHEREAS, while the final implementation of the new rule  
7 may be in the hands of congress and the courts, New Mexico's  
8 organ procurement organization can take steps to ensure that  
9 New Mexicans receive priority for receipt of organs donated in  
10 this state;

11           NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
12 REPRESENTATIVES OF THE STATE OF NEW MEXICO that New Mexico's  
13 procurement organization be requested to use its best efforts  
14 to determine if there is a suitable New Mexico recipient when  
15 an anatomical gift of a vascular organ is made in New Mexico;  
16 and

17           BE IT FURTHER RESOLVED that the procurement organization  
18 be encouraged to enter into reciprocal agreements with other  
19 states' procurement organizations for the sharing of vascular  
20 organs; and

21           BE IT FURTHER RESOLVED that the procurement organization  
22 also transfer a vascular organ to a procurement organization  
23 or suitable recipient in another state only if a suitable  
24 recipient cannot be found in New Mexico within a reasonable  
25 time or the New Mexico procurement organization has a  
26 reciprocal agreement for the sharing of vascular organs with a  
27 procurement organization in that state; and

28           BE IT FURTHER RESOLVED that New Mexico hospitals, in  
29 collaboration with the procurement organization, develop a

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protocol for identifying potential donors that provides that at or near a patient's death and prior to removal of life support, the hospital contacts the procurement organization to determine the suitability of the patient as a donor; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the New Mexico organ procurement organization, the New Mexico hospital association, the New Mexico medical society and the department of health.