



March 20, 2025

To the Honorable Members of the Arkansas House of Representatives:

On behalf of Donate Life America (DLA), I am writing in opposition to Arkansas House Bill 1679 to amend the Arkansas Anatomical Gift Act. If passed and signed into law, this bill would threaten the donation system and the legal decisions of more than 1.5 million Arkansas residents to save lives at the time of their own death through organ, eye and tissue donation. HB 1679 also poses a serious threat to patients on the national transplant list awaiting a second chance at life.

Donate Life America is a 501(c)3 nonprofit organization working to educate, inspire and activate the public to say yes to registering their decision to be an organ, eye and tissue donor. We believe that people are generous and want to help someone in need of a transplant. Over the past 30 years, Donate Life America has driven efforts to increase organ, eye and tissue donation – both publicly and within the professional donation and transplantation community.*

I was moved by Representative Matt Brown's testimony in the House Public Health, Welfare, and Labor Committee this week. The loss of a loved one is a challenging grief to navigate. I lost my mother because a donor liver was not available in time to save her life. There are currently more than 100,000 people on the national transplant waiting list whose families face impending loss and grief every day.

More than half of all lifesaving transplants in the United States occur because someone said yes to registering their decision to save and heal lives through organ donation.¹ In the U.S., organs from deceased donors are only recovered when there is authorization either from the donor's prior legal decision, or from the donor's family. An individual can make a legal decision to be an organ, eye and tissue donor at their time of death in a number of ways, including by registering to be a donor at their local DMV, online in their state donor registry, or in the National Donate Life Registry.

If an individual has not made their own legal donation decision, at the time of their death, their family or legal next of kin can make the decision to authorize organ, eye and tissue donation to save and heal the lives of others. Organ donation is the ultimate act of generosity from one human to another, and it is the goal of the entire Donate Life Community to honor and serve the donor and donor family with care and respect throughout the donation process.

The Uniform Anatomical Gift Act (UAGA), which is law in all 50 states, allows adults to decide whether to donate their organs, corneas and tissues after death. This decision made by the



individual is legally binding and protected, it cannot be overturned by anyone else. If someone prefers to let their family decide instead, they can choose to not register, and their family can make the decision at the time of their death. Over half of adult Americans have registered their decision to donate, making the U.S. one of the most generous nations in the world.

House Bill 1679 threatens to undermine this system of trust and generosity. It would allow family members, strangers, and even government officials to override a person's lifesaving decision to donate — or not to donate — after death. There is no legal precedent for canceling such a personal and meaningful individual legal decision.

Arkansas' Uniform Anatomical Gift Act (UAGA), last updated in 2007, clearly states that no one other than the donor can change or cancel a legal organ donation decision (AR ST §20-17-1208(a)); however, HB 1679 would allow family members or others to override that decision if the donor becomes incapacitated. In healthcare, when someone is incapacitated, the law requires caregivers to follow the patient's known wishes — whether it's about treatment, ending treatment, or removing life support (AR ST §20-6-106). Organ donation decisions should be treated with the same respect.

HB 1679 would also allow others to override a person's decision *not* to donate, violating another fundamental right protected under Arkansas law (AR ST §20-17-1207). This bill would undermine the entire organ donation system, including Arkansas' state-supported registry, the state's role in the national donation network, and the rights of Arkansans to control their own legacy.

Donate Life America asks that the legal decision of Arkansans to save and heal lives be upheld, and HB 1679 should not pass. If we can be of further support to the The Honorable Members of the Arkansas House of Representatives, we stand ready to assist with any questions or follow up discussions.

Sincerely,

A handwritten signature in black ink, appearing to read "G. David Fleming".

G. David Fleming
President & CEO
Donate Life America

**DLA owns, manages and promotes the national brand for the cause of donation, Donate LifeSM; educates about the importance of organ donation and motivates the public to register as organ, eye and tissue donors; manages the National Donate Life Registry at RegisterMe.org; and develops and executes effective multi-media campaigns to promote donation. DonateLife.net.*

¹ Donate Life America, 2023 First Person Authorized (FPA) Transplants, by Transplant Center. Scientific Registry of Transplant Recipients. Request for Information. Requested on 08/27/2024.