



To: Health and Human Services Committee
From: Marion Miner, Associate Director for Pro-Life & Family Policy
Nebraska Catholic Conference
Subject: LB 251 (Change the age for organ and tissue donation) (Neutral)
Date: February 4, 2021

Chairman Arch and Members of the Health and Human Services Committee,

The Nebraska Catholic Conference advocates for the public policy interests of the Catholic Church and advances the Gospel of Life through engaging, educating, and empowering public officials, Catholic laity, and the general public.

The Conference is taking a neutral position on LB 251, but we do think it appropriate to offer some cautionary comments regarding the proposal to lower the age of consent to 14 years old for making anatomical gifts.

The last time Nebraska's version of the Uniform Anatomical Gift Act was amended—in 2010 by LB 1036—the Conference offered neutral testimony in part to urge caution on this very issue. The substantial revision of the Act being proposed at that time included a provision that would have lowered the age of consent for making an anatomical gift to 13 years old. That proposal was later amended to make the age of consent 16, which is the law today.

When the 2010 bill was amended to change the age of consent to 16, the Conference posed the question of whether the organ donor registry should be able to register even a 16-year-old without the knowledge and consent of his parents. Whether to become an organ donor is a serious decision that calls for mature reflection. A 14-year-old may not be confronted with the question of whether he should register to be an organ donor before the moment he is offered that option when signing up for a school permit. That decision, if it is to be an informed one, has to take into account not only what that process will look like at the end of one's own life, but also the toll it might take on the immediate family, who should be aware of their child's status as an organ donor before the child is close to death after a fatal injury or serious illness. Parents do have the right under the Act to revoke their child's decision to donate if the child dies while a minor, but this puts the parents in a difficult situation given the urgency of that decision and the surrounding circumstances.

It is important to note that, in the Catholic moral tradition, the free and voluntary gift of organs after death is legitimate and justified by the principle of charity. It is an act of self-giving that can be noble and meritorious. However, whether a 14-year-old should be able to consent without the permission of his parents, and perhaps even without their involvement, is the basis for our concern.

The Conference offers the above for your consideration. Thank you.