**Organ Donation (Informed Consent) (Wales) Bill 2023**

*Introductory Text*

An Act to make amendments to the Human Transplantation (Wales) Act 2013 concerning organ donation in children and compensation provided during the course of organ transplantation

*Having been passed by the Welsh Parliament and having received the royal assent of Her Majesty, it is enacted as follows:*

**1. Principles**

1. Donation of Organs for Transplantation to be made based on the process of deemed consent;
2. This deemed consent is to apply to Children aged 16 and older who are to be treated in the same way as adults;
3. Organ donation may take place in the event of circulatory death (i.e., no need to wait for brainstem death) and no express consent is needed if there is presumed consent;
4. Presumed consent may extend to situations where the patient has suffered circulatory and/or brainstem death by looking at the intentions of the person while they were living

**3. Deemed Consent to Organ Transplantation**

(1) Section 3 of the Human Transplantation (Wales) Act 2013 is amended as follows.

a. Amend Section 6(2) to specify that Children aged 16 or older are to be treated in the same way as adults, i.e., through the deemed consent process;

b. This amendment allows children who are 16 and 17 years old to be treated in the same way as adults under this Act, that is, under the deemed consent process. Therefore, it will be considered that competent children aged 16 and older will become an organ donor when they die unless they have specifically opted out via the organ donor register

**4. Respecting Children’s choices**

(2) Section 6(2A) is inserted to state: “No adult can veto the consent or refusal of a competent child aged 16 or 17 to have their organs harvested. In instances where the patient has suffered cardiac death, the patient’s wishes are to be respected and the transplantation activity will commence”

(3) Amend Section 3 to specify a child over the age of 16 can make an informed consent for organ donation and this can be via direct or indirect means