

GNWT RESPONSE TO MOTION 18-17(4): ORGAN DONATION / HUMAN TISSUE ACT

Motion:

NOW THEREFORE I MOVE, seconded by the Honourable Member for Sahtu, that the Government of the Northwest Territories revise or replace the Human Tissue Act in order to create a framework for organ donation that reflects the best practices across Canada;

AND FURTHER, that the Government provide a comprehensive response to this motion within 120 days.

GNWT Response:

The Department of Health and Social Services (Department) supports the donation of organs and tissues. In the Northwest Territories, organ and tissue donation and transplantation poses unique challenges due to numerous factors, including clinical capacity and geography. Consequently, organ and tissue harvesting and transplantation is not carried out in the NWT. As such, this limits the NWT's ability to have an organ and tissue donation and transplantation program.

The *Human Tissue Act*, which came into force prior to 1988, provides the basic legislative framework for consent for donating organs and tissues. Following a review of the legislation, it had been identified that the current Act is out-of-date and lacks the level of detail present in the legislation of most other Canadian jurisdictions. In order to ensure the *Human Tissue Act* serves its purpose in the best possible way, the Department has identified a number of improvements that could be made to the Act.

A new legislative framework would modernize and clarify definitions and process for human tissue donation and transplantation, provide the framework for consenting to donate organs and tissues, and would be based on examples from other jurisdictions. Some of the provisions being considered would include:

- definition of death for the purposes of transplantation;
- definition of tissue;
- definition of organ;
- definition of spouse;
- the effect of consent from a living donor and for donation after death;
- who may carry out organ removal;
- transplants between living bodies;
- confidentiality of information and how it may be used;
- protection from criminal and civil liability for parties acting in good faith and without negligence;
- penalties for violations; and

- prohibition of the sale of body parts or benefitting from donation of organs or tissues.

Work on this will continue in accordance with the established legislative process. These potential changes would make the *Human Tissue Act* consistent with similar legislation in other Canadian jurisdictions. Though an organ and tissue donation program would not be established, the Department is working with Alberta Health to improve awareness of organ and tissue donation of NWT residents including the possibility of a registry that may include NWT residents.

To provide organ and tissue donation to NWT residents, Stanton Territorial Health Authority (STHA) continues to partner with the Human Organ Procurement Exchange (HOPE) program, based in Alberta, which funds all air and ground travel costs for potential NWT donors to travel to Alberta.