

Advances in Police Theory and Practice Series

The International Trafficking of Human Organs

A Multidisciplinary Perspective



Leonard Territo and Rande Matteson

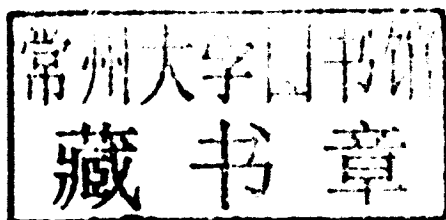


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Dedication

To the thousands of men and women throughout the world who have devoted their professional and personal lives to combating the illegal activities associated with the trafficking of human organs.

Series Preface

While the literature on police and allied subjects is growing exponentially its impact upon day-to-day policing remains small. The two worlds of research and practice of policing remain disconnected even though cooperation between the two is growing. A major reason is that the two groups speak in different languages. The research work is published in hard-to-access journals and presented in a manner that is difficult to comprehend for a lay person. On the other hand the police practitioners tend not to mix with researchers and remain secretive about their work. Consequently, there is little dialogue between the two and almost no attempt to learn from one another. Dialog across the globe, amongst researchers and practitioners situated in different continents, are of course even more limited.

I attempted to address this problem by starting the IPES, www.ipes.info, where a common platform has brought the two together. IPES is now in its 15th year. The annual meetings which constitute most major annual event of the organization have been hosted in all parts of the world. Several publications have come out of these deliberations and a new collaborative community of scholars and police officers has been created whose membership runs into several hundreds.

Another attempt was to begin a new journal, aptly called *Police Practice and Research: An International Journal*, PPR, that has opened the gate to practitioners to share their work and experiences. The journal has attempted to focus upon issues that help bring the two on a single platform. PPR is completing its 10 years in 2009. It is certainly an evidence of growing collaboration between police research and practice that PPR which began with four issues a year, expanded into five issues in its fourth year and, now, it is issued six times a year,

Clearly, these attempts, despite their success, remain limited. Conferences and journal publications do help create a body of knowledge and an association of police activists but cannot address substantial issues in depth. The limitations of time and space preclude larger discussions and more authoritative expositions that can provide stronger and broader linkages between the two worlds.

It is this realization of the increasing dialogue between police research and practice that has encouraged many of us—my close colleagues and I connected closely with IPES and PPR across the world—to conceive and implement a new attempt in this direction. I am now embarking on a book series, *Advances in Police Theory and Practice*, that seeks to attract writers from all

parts of the world. Further, the attempt is to find practitioner contributors. The objective is to make the series a serious contribution to our knowledge of the police as well as to improve police practices. The focus is not only in work that describes the best and successful police practices but also one that challenges current paradigms and breaks new ground to prepare a police for the twenty-first century. The series seeks for comparative analysis that highlights achievements in distant parts of the world as well as one that encourages an in-depth examination of specific problems confronting a particular police force.

Although there are numerous books on the topic of organ trafficking, none view it from a multidisciplinary perspective. In order to fully appreciate and intelligently understand the problem of organ trafficking one must examine it from a broad perspective, and this is exactly what the editors have done in *The International Trafficking of Human Organs: A Multidisciplinary Perspective*.

For example, it does little good to deal with the problem of organ trafficking from a moral or ethical perspective without examining the economics that drive individuals who are desperate to seek out those who would pay them for their organs, or for that matter criminals who attack and drug victims, subdue them, and steal their organs (typically a kidney). In the final analysis there is no one perspective that is more important than the other in understanding the problem. Thus, in keeping with this philosophy, this book has been organized into the following four parts:

Section 1—A Criminal Justice Perspective

Section 2—A Business and Economic Perspective

Section 3—A Medical, Ethical, and Philosophical Perspective

Section 4—A Theological Perspective

This book has the unique distinction of being applicable across a number of academic disciplines as well as being useful to a number of government agencies. The academic disciplines include:

Criminal Justice/Criminology

Business and Economics

Medicine

Philosophy

Theology

Some of the primary government agencies include:

The Centers for Disease Control

Health and Human Services

Justice Department
Immigration and Customs Enforcement
Food and Drug Administration

In addition this book also has the unique feature of having an Instructor's Manual, which is not typically developed for edited volumes. The Instructor's Manual has been divided into the following six sections:

SECTION I—Learning Objectives

SECTION II—End Article Discussion Questions and Answers

SECTION III—Test Bank of Multiple-Choice Questions

SECTION IV—Web sites Dealing with the International Trafficking of Human Organs

SECTION V—DVDs Dealing with the International Trafficking of Human Organs

SECTION VI—United States Federal Statutes Dealing with the Issue of Organ Trafficking

It is hoped that through this series it will be possible to accelerate the process of building knowledge about policing and help bridge the gap between the two worlds—the world of police research and police practice. This is an invitation to police scholars and practitioners across the world to come and join in this venture.

Dilip K. Das, PhD
Founding President,
International Police Executive Symposium, IPES, www.ipes.info



Founding Editor-in-Chief, Police Practice and Research:
An International Journal,
PPR, www.tandf.co.uk/journals



Acknowledgments

We wish to express our thanks and indebtedness to the following distinguished scholars who allowed us to use their research papers in this book. Without their dedicated efforts this book could never have come to fruition: Stephen P. Alcorn, JD, Oklahoma County, Oklahoma, District Attorney's Office; William Barnett, II, PhD, Loyola University, New Orleans; Walter Block, PhD, Loyola University, New Orleans; Nicholas Capaldi, PhD, University of Tulsa; Mark J. Cherry, PhD, Saint Edwards University, Austin, Texas; Megan Clay, MA, Loyola University, New Orleans; Cynthia B. Cohen, PhD, JD, The Kennedy Institute of Ethics, Georgetown University; Phil Cox, University of Massachusetts at Dartmouth; Curtis E. Harris, MD, JD, University of Oklahoma School of Medicine; Donald Joralemon, PhD, Smith College; Silke Meyer, PhD, Centre of Excellence in Policing and Security (CEPS) at the Institute for Social Science Research (ISSR); Snezana (Ana) Mijovic-Das, MD, FASN, Albany Medical College; Jessica Neagle, MA, Georgetown University, and her mentor, Gladys White, PhD; Vidya Ram, MS, in Bangalore, India; Michael Saliba, PhD, Loyola University; James Stacey Taylor, PhD, Louisiana State University; Larry Torcello, PhD, State University of New York at Buffalo; Stephen Wear, PhD, State University of New York at Buffalo, and T. L. Zutlevics, PhD, Philosophy Department, Flinders University, Adelaide, Australia.

Typing and other numerous clerical and research services were also provided by our hardworking secretary, Sharon Ostermann, whose constructive comments and long hours of work are very much appreciated. She has a wonderful attitude, and it is always a pleasure working with her. We also want to thank her trusty assistant, Shari Allen, for her numerous hours of typing. She, too, was a pleasure to work with.

Lastly, we want to thank our publisher, Carolyn Spence, for sharing our conviction that this book will make a significant contribution toward the understanding and prevention of the illegal international trafficking of human organs.

Preface

The World Health Organization (WHO) reported a few years ago that organ trafficking and transplantation pose new challenges because the international illicit trade in human organs is on the increase, fueled by growing demand as well as unscrupulous traffickers. The rising trend has prompted a serious reappraisal of current legislation, while the WHO has called for more protection for the most vulnerable people, who might be tempted to sell a kidney for as little as \$1,000.

Increasing demand for donated organs, scarce resources, contaminated donors, high economic profitability, uncontrolled trafficking, fragmented laws and nonenforcement practices, corruption, and the challenges of transportation between closely related species have prompted a serious reevaluation of international guidelines and given new impetus to the role of the WHO in gathering epidemiological data and setting basic normative standards.

There are no reliable data on organ trafficking—or, indeed, transplanting activity in general—but it is widely believed to be on the increase, with brokers reportedly charging between \$100,000 and \$200,000 to organize a transplant for wealthy patients. Donors—frequently impoverished and ill educated—may receive as little as \$1,000 for a kidney, although the going price is more likely to be about \$5,000. There is ample evidence to find a global network of organized criminal cartels engaged in the trade of human organs, skin, bone, and tissue.

The WHO has also urged governments “to take measures to protect the poorest and most vulnerable groups from ‘transplant tourism’ and the sale of tissues and organs, including attention to the wider problem of international trafficking in human tissues and organs.”¹ Just recently, the police broke up an international trafficking ring that arranged for Israelis to receive kidneys from poor Brazilians at a clinic in the South African port city of Durban. But such high-profile successes merely scratch the surface.

Countries such as Brazil, India, and Moldova—well-known sources of donors—have all banned the buying and selling of organs. But this has come at the risk of driving the trade underground.

Behind the growth in trafficking lies the increasing demand for transplant organs. In Europe alone, there are currently 120,000 patients on dialysis treatment and about 40,000 people waiting for a kidney, according to a

recent report by the European Parliamentary Assembly. The waiting list for a transplant in 2010 was 10 years. With the potential for this delay resulting in death, the desperation of sick people increases dramatically and gives enormous advantage to the traffickers, who are motivated only by greed.

In Asia, South America, and Africa, there is widespread resistance—for cultural and personal reasons as well as due to the high cost—to using cadaveric organs, or those from dead bodies. The failure to adequately screen cadaveric organs, skin, bone, and tissue from nations such as African ones with high rates of communicable diseases adds more public health concerns to the problem.

In China, the organs of executed prisoners are harvested without their permission and distributed in rank order to (1) high-ranking government officials, (2) members of the military, (3) wealthy Chinese and foreigners, and (4) common citizens.

The majority of transplanted organs come from live, often unrelated donors. Even in the United States, the number of renal or kidney transplants from live donors exceeded those from deceased donors for the first time in 2001. Yet the “Guiding Principles” on human organ transplantation, adopted by the World Health Assembly in 1991, state that organs should “be removed preferably from the bodies of deceased persons,” and the live donors should in general be genetically related to the recipient. They also prohibit “giving and receiving money, as well as any other commercial dealing.”

There are numerous books on the topic of organ trafficking, but none view the problem from a multidisciplinary perspective. In order to fully appreciate and intelligently understand the problem of organ trafficking, one must examine it from a broad perspective, and this is exactly what we have done in this edited volume. For example, it does little good to deal with the problem of organ trafficking from a moral or ethical perspective without examining the economics that drive individuals who are desperate to seek out those who would pay them for their organs, or for that matter physicians who illegally remove a kidney from poor or otherwise socially marginal hospital patients during routine and minor surgeries for other medical problems. In the final analysis there is no one discipline that is more important than the other in understanding the problem, but in combination they provide a perspective that is missing in any single source. Thus, in keeping with this philosophy, we have organized this book into the following four sections:

Section I: A Criminal Justice Perspective

Section II: A Business and Economic Perspective

Section III: A Medical, Ethical, and Philosophical Perspective

Section IV: A Theological Perspective

Each section of the book will be preceded by a brief annotated summary of each research paper to assist readers in identifying which ones might be of particular interest to them.

Note

1. World Health Organization, “Organ Trafficking and Transplantation Pose New Challenges,” <http://www.who.int/bulletin/volumes/82/9/feature0904/en/index.html>.

About the Editors

Dr. Leonard Territo is presently a distinguished visiting professor in the Department of Criminal Justice at Saint Leo University, Saint Leo, Florida, as well as professor emeritus in the Department of Criminology at the University of South Florida, Tampa, Florida. He has previously served first as a major and then as chief deputy (undersheriff) with the Leon County Sheriff's Office, Tallahassee, Florida. As chief deputy, he was responsible for the daily operation of the Leon County Sheriff's Department. While serving with the Leon County Sheriff's Office, he was a major homicide investigative advisor on the murders committed by Theodore Robert (Ted) Bundy on the Florida State University campus in Tallahassee, Florida. This investigation eventually led to the arrest, conviction, and execution of Bundy. He also served for almost nine years with the Tampa, Florida, Police Department and had assignments as a patrol officer; motorcycle officer; homicide, rape, and robbery detective; internal affairs detective; and member of the police academy training staff. Dr. Territo is the former chairman of the Department of Police Administration and director of the Florida Institute for Law Enforcement at St. Petersburg Junior College (now St. Petersburg College), St. Petersburg, Florida.

He is a graduate of the U.S. Secret Service's Dignitary Protection Seminar, the nationally recognized University of Louisville's National Crime Prevention Institute, and the Saint Leo University Institute for Excellence in Criminal Justice Administration's Non-Verbal Communications/Detecting Deception.

He has coauthored some of the leading books in the law enforcement profession, including *International Sex Trafficking of Women and Children: Understanding the Global Epidemic*; *Criminal Investigation*, 11th ed., which is by far the bestselling book of its kind in the United States and has recently been translated into Chinese for use by the Chinese police and Chinese criminal justice students; *Police Administration*, 8th ed.; *Crime and Justice in America*, 6th ed.; *Stress Management in Law Enforcement*, 2nd ed.; *Stress and Police Personnel*; *The Police Personnel Selection Process*; *Police Civil Liability*; *Hospital and College Security Liability*; and *College Crime Prevention and Personal Safety Awareness*. He has also had his first novel published titled *Ivory Tower Cop* which is a chilling, suspenseful thriller inspired by a true story. His books have been used in over 1000 colleges and universities in

all 50 states, and he has had numerous articles published in nationally recognized law enforcement and legal journals. His books have been used and referenced by both academic and police departments in the following 16 countries: Australia, Barbados, Belarus, Canada, Chile, China, Czechoslovakia, England, France, Germany, Israel, the Netherlands, Poland, Saudi Arabia, South Korea, and Spain.

He was selected for inclusion in *Who's Who in American Law Enforcement*; selected as Florida's Outstanding Criminal Justice Educator by the Florida Criminal Justice Educators Association; cited for 10 years of meritorious service by the Florida Police Chiefs Association; given the Outstanding Teacher Award by the College of Social and Behavioral Sciences, University of South Florida, Tampa, Florida; cited for 25 years of teaching and meritorious service to the Tampa Florida Police Academy; and awarded the Saint Leo University, Saint Leo, Florida, Outstanding Publication Award.

He has also been qualified as a police policies and procedures expert in both state and federal courts in the District of Columbia as well as the following states: Alaska, Arizona, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, New Jersey, Ohio, Oregon, Pennsylvania, Tennessee, Virginia, Washington, and Wisconsin.

Dr. Territo has served as a lecturer throughout the United States and has instructed a wide variety of police subjects to thousands of law enforcement officials.

Dr. Rande Matteson has served as the department chair and is currently an associate professor of criminal justice at Saint Leo University, Saint Leo, Florida, as well as a retired federal agent. Dr. Matteson is a 32-year career law enforcement officer having served progressively responsible leadership and operational positions in local, state, and federal investigative agencies.

He is a graduate of the DEA Basic Special Agent Academy at the Federal Law Enforcement Training Academy, and has completed numerous training programs on a wide range of domestic and international topics. Dr. Matteson initiated and managed numerous special covert operations with significant and successful operational outcomes in domestic and global venues.

As a federal agent, Dr. Matteson has actively investigated the illicit trade in human organs, skin, bone, and tissue in the global marketplace. Organized criminal cartels dominate the trade and are found in all regions of the world. In order to be successful, the leaders, organizers, and managers of these transnational crime groups conceal their activities from authorities and operate with the cooperation of corrupt foreign officials who violate the Foreign Corrupt Practices Act with private sector partners. These cartels amass considerable wealth from these illicit enterprises and as such engage in international money-laundering schemes. Dr. Matteson has provided

subject matter expertise on trafficking in human organs to federal and state prosecutors, law enforcement officials, and private sector organizations.

During his career, he was assigned to domestic and foreign legal attaché and headquarters offices as a supervisory special agent, policy maker, covert operations special agent, pilot, clandestine-covert special operations manager, educator, and multi-agency task force manager. Dr. Matteson has traveled extensively during his career and conducted sensitive criminal investigations abroad. While assigned overseas, he served as the backup DEA pilot to the CIA flying operational missions abroad.

His geographic duty assignments have included the Miami Field Division; Dallas Field Division; Pakistan Country Office; Mexico Country Office; FBI-DEA Training Academy at Quantico, Virginia; and Headquarters—Office of Science and Technology, San Juan, Puerto Rico, and Tampa, Florida. He earned his doctorate in corporate leadership, is a certified fraud examiner and certified hostage negotiator, and is certified in international marine maritime security.

Dr. Matteson began his career serving as a uniformed police officer and was later promoted into various positions, including the criminal investigation division, where he worked on crimes against persons (homicide) and property offenses.

His breadth of experience ranges from street crime to complex international and corporate crime. During his career, Dr. Matteson has been qualified in federal and state courts as an expert witness and recognized for his investigative contributions and awards/commendations in numerous high-profile investigations.

At the FBI-DEA Academy, Dr. Matteson served as a new basic agent-training coordinator, counselor, and subject matter expert, and was permanently assigned to the FBI-DEA Academy serving as a senior instructor and course developer and manager in the Leadership—Field Management Training Unit, which made him responsible for leadership training of all DEA and international partner agency managers.

His background includes complex transnational clandestine investigative operations inclusive of violations of federal and state statutes and securing intelligence vital to national security. He was selected as the agency representative and served for an extended assignment at the Counter-Terrorism Operations Center coordinating proactive terrorism operations at the U.S. Winter Olympics in Salt Lake City, Utah.

Dr. Matteson holds various memberships in professional associations, lectures, has published numerous scholarly articles and several books, and presents at academic conferences frequently on a wide variety of transnational topics related to criminal and social justice.

Key Terms

Normally when key terms are incorporated into an edited volume, they are inserted either after each chapter or in the back of the book. However, we believe it makes better sense for the reader to become familiar with these “key terms” prior to reading each of the papers or for that matter having to constantly go to the back of the research paper or the back of the book to check the key terms. Thus we have chosen to put the key terms at the very beginning of this book. We would strongly recommend readers become familiar with the key terms before they start to read this book.

Altruism: The principle or practice of unselfish concern for or devotion to the welfare of others.

American Medical Association (AMA): An organization of U.S. physicians. It was founded in 1847 “to promote the science and art of medicine and the betterment of public health.” It has about 250,000 members, about half of all practicing U.S. physicians. Its publications include *Journal of the American Medical Association*, *American Medical News*, and journals on medical specialties.

Bellagio Task Force on the International Traffic in Organs: This task force examined the ethical, social, and medical ramifications for the trafficking, donation, and sale of human organs and evaluated strategies to ameliorate them. The task force’s report recommended steps that could be taken to promote public trust in organ donation and to protect the well-being of all participants.

Bioethicists: These are individuals and groups who examine a variety of ethical issues, including the procurement of organs, the voluntary sale of organs by the poor, and all the problems associated with it, including relevant philosophical, ethical, and medical issues.

Brain Death: The irreversible end of all brain activity (including any involuntary activity necessary to sustain life) due to total necrosis of the cerebral neurons following loss of brain oxygenation. It should not be confused with a persistent vegetative state.

Cadaveric Organ Donation: These are organs legally harvested from individuals who are already deceased. In most cases, the decedent has given permission to harvest their organs prior to death or family members have given permission.

Caritas: Latin for charity, the Christian concept of spiritual and brotherly love, which is love for all people.

Center for Organ Recovery and Education (CORE): A regional not-for-profit organ procurement organization serving Pennsylvania, New York, and West Virginia. CORE is one of 58 federally designated agencies in the United States known as a not-for-profit organ procurement organization (OPO).

Commodification of Human Organs: This is the buying and selling of human organs as one would any other commodity on the free market. It is based upon the assumption that compensation for the purchase of organs is no different from any other permissible forms of body commodification.

Council of Europe: Traditionally, this has been the most active European institution in fighting organized crime. However, in the past 10 years it has been addressing issues in the field of biomedicine, which focuses on guidelines for organ and tissue removal and transplantations.

Cyclosporine-A: A drug that controls a recipient's immune response and reduces the possibility of the body rejecting the transplanted organs.

Debt Peonage: This involves individuals who are in debt or in some kind of financial crisis. In many cases, the donors are women who are primarily low-paid domestic workers whose families have run out of credit and have money lenders knocking at the door. Thus, the decision is made by the woman or perhaps her husband to sell an organ in order to pay for this debt.

Dermalogan: A product made of processed human skin and skin-based gel that is sold to plastic surgeons for use in operations to enlarge the lips and smooth wrinkles.

Economic Failure: This occurs in cases of an acutely inefficient use of capital and labor and/or when there is an exceedingly unjust distribution of basic goods and services for subsistence.

Economic Failure Hypothesis: This is a hypothesis that concludes that the level of predatory organized crime is directly and positively correlated with the failure of the attainment of general material well-being by the population under the economic system.

End-Stage Renal Disease (ESRD): A final stage of kidney impairment that is irreversible, cannot be controlled by conservative management alone, and requires dialysis or kidney transplantation to maintain life.

Extortion-Protection Trap: The paradoxical condition in which a criminal organization is capable of providing effective protection simply because it poses a credible threat of illegal violence.

Falun Gong: This is an international group based in China with transnational membership that has allegedly been targeted for procurement

of organs because of their political and religious beliefs, which are contrary to that of the Chinese Communist Party.

Forward Market: This is a system in which individuals could sell the future rights to one or both of their kidneys for money to be received at the time of such sale. Organ brokers or financial intermediaries can make one payment buying the rights to one or both organs for a lifetime or annual payments of lesser amounts, in leasing the rights for a year.

Free Market for Human Organs: The legalization of the sale of body parts as a legitimate free market activity in which the donor has complete rights regarding the sale of his or her body parts.

Hemodialysis: A medical procedure that uses a special machine (a dialysis machine) to filter waste products from the blood and to restore normal constituents to it.

Hemophilia: A group of inherited bleeding disorders in which the ability of blood to clot is impaired.

Human Gametes: These are reproductive cells that unite during sexual reproduction to form a new cell called a *zygote*. In humans, male gametes are sperm and female gametes are ova (also called *oocytes* or *eggs*).

Human Immunodeficiency Virus (HIV): A retrovirus that causes immune system failure and debilitation. HIV is spread through direct contact with bodily fluids and can also be transmitted via organ transplant if the donor is HIV positive.

Karnataka Authorisation Committee: This was a committee set up under the Transplantation of Human Organs Act of 1984 in India to insure that no buying and selling of human organs take place.

Kidney Belts: These are countries that appear to be disproportionately providing kidneys to wealthier countries. The kidney belt countries include the Philippines, Iraq, Turkey, Romania, Moldova, and Georgia.

Kidney Colonies: These are geographic locations within a country in which a disproportionate number of citizens sell their kidneys. An example of this would be Tamil Nadu, a state in India in which more than 10 percent of the population has sold kidneys for financial gain.

Kidney for a Dowry: A fairly common strategy for poor parents to arrange a comfortable marriage for an otherwise economically disadvantaged or “extra daughter,” essentially a spare kidney for a spare daughter.

Kidney Theft: This form of theft often involves allegations of kidney theft from poor and otherwise socially marginal hospital patients during routine and minor surgeries for other medical problems.

Mandated Choice: This is a choice in which individuals would be required on a regular basis to indicate whether they are willing to donate an organ or not. It can be included on tax forms or when a person renews a driver's license.