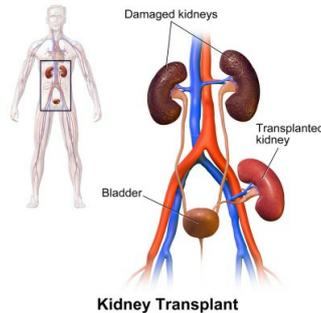


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## England to Introduce Deemed Consent for Organ Donation



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Starting 20 May 2020, a new law will be implemented in England regulating a new system of deemed, or presumed consent for routine organ and tissue donation. All adults will be considered to have no objection to becoming a donor after they die, unless they have prior [registered](#) their decision to 'opt out' or confirmed being part of an excluded group.

You may also like: [Caring for Organ Donors in the ICU](#)

It is noted that in England, the new law will apply only to organs/tissues used in 'routine' transplants, namely heart, lungs, liver, kidneys, pancreas, intestinal organs, nervous tissue, blood vessels, bone, marrow, tendon, corneas, skin and rectus fascia.

However, the donor's express consent will still be required for novel or rare transplants, such as, for example, tissue from sexual and reproductive organs. In addition, the trachea will be considered as routine only when part of heart-lung transplantation, and eyes will not be part of face transplants.

The new law, known as [Max and Keira's](#) law, aims to help the 5,200 people in England who await a life-saving, or life-enhancing, transplant. Keira Ball was a young girl who passed away after a road traffic accident in the summer of 2017. Four people were saved by her donation – her kidneys went to adults, her liver went to a baby and her heart went to a Max Johnson who was nine at the time. Max Johnson and his family's campaign in favour of an opt-out system for organ donation, and the law had been eventually changed.

According to Health Secretary Matt Hancock, this step will make organ donation easier and more available to people in need of transplantation. "Donating organs will remain a personal decision," Hancock said. "While the new system starts in May, people will continue to be able to record their decision to opt out at any point. It's important that everyone takes the time to discuss their choices on donation with their families, whatever their preference may be."

### Over 50% of Transplants Are Kidneys

Around 80% of those waiting for a transplant are in need of a kidney, according to Fiona Loud, Policy Director of Kidney Care UK. In the US, for example, in 2019 out of nearly 40,000 transplants, [more than half](#) (23,401) were kidney transplants and 872 were kidney/pancreas transplants, and in the [waiting list](#) for 123,275 organs, 102,437 were for kidney and 1,796 for kidney/pancreas donation. "Patients have been waiting and hoping for this change, which stands to make a positive contribution to lives and our society, for many years," Loud said welcoming the introduction of Max and Keira's Law.

12 March is [World Kidney Day](#) (WKD), a joint initiative of the International Society of Nephrology (ISN) and the International Federation of Kidney Foundations (IFKF). It is a global campaign that aims to raise awareness of the importance of kidneys to overall health and to reduce the frequency and impact of kidney disease and its associated health problems worldwide.

### International Experience

In [Wales](#), which in December 2015 became the first country in the UK to move away from an opt-in system in organ procurement, the results have already shown to be [positive](#). Wales now has the highest consent rates in the UK, experiencing more registered donors, fewer family refusals and more living donations. In [Scotland](#), the relevant law will come into force in Autumn 2020. The current legislation for [Northern Ireland](#) is to opt in to organ and tissue donation. Notably, the importance of registering deliberate active consent for opting in is highlighted [elsewhere](#).

National donor consent legislations [vary](#) across the world. Spain, where deemed-consent law was passed in 1979, has the world's highest rate of actual donation. Other countries with similar policies include Belgium, Austria, France, Columbia, Norway, Italy, Chile and Singapore. Expressed consent, on the other hand, is required in the US, Denmark, Canada and Brazil among others.

A 2019 [study](#) compared data on organ donation and transplantation rates for 35 OECD countries (17 classified as opt-out, 18 as opt-in). It found that opt-out countries had fewer living donors per million population than opt-in countries, while no significant difference in deceased donors was identified. Rates of kidney, non-renal or total solid organ transplantation did not show any substantial difference between the two groups. The authors suggested that even with deemed consent regulations in place, other barriers to organ donation must be addressed.

Source: [Kidney Care UK](#)

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