

## New Legislation Encourages Organ Donation

(IsraelNN.com) The Knesset passed legislation on Monday aimed at encouraging organ donations. One of the new laws would compensate live organ donors financially, while the second is intended to incorporate the position of Jewish law in determining the moment of death for purposes of obtaining healthy organs for transplantation.

According to a law sponsored by Knesset Member Aryeh Eldad (National Union-National Religious Party), the state will provide live organ donors with a fixed financial compensation package, determined by the Health Ministry, for their lost earning potential due to surgery and recuperation. A Knesset subcommittee reviewing the bill [decided on a series of benefits for kidney donors earlier this month](#), following weeks of in-house debate. The law also provides for a NIS 5 million annual budget to educate the public about organ donation.

The second law, according to the bill's sponsor MK Otniel Schneller (Kadima), considers issues of medical ethics and religious law. It bans the trade in organs on the one hand, while, on the other, facilitating organ donation for religious Jews concerned that organs could be removed after brain death, but before death occurs according to Jewish law. The Chief Rabbinate recently reached an agreement with the Health Ministry on the issue of determining when the moment of death, a critical religious legal point.

Health Minister Yaakov Ben-Yizri expressed satisfaction, saying, "This is an historic day for residents of the state of Israel, on which these two laws were added after many years of untiring effort." The laws "put Israel in line with the most enlightened countries on earth," he added.

The Schneller legislation requires that two previously authorized doctors are needed to determine if a person's lower-brain activity and breathing has stopped. The doctors are to be authorized by a committee including three doctors and three rabbis, one of the latter a doctor as well, two ethicists and a legal expert. After the doctor makes his determination, the family of the patient is to be given the information and afforded the opportunity to decide whether or not to disconnect life support.

Recent polls show that less than 50% of Israelis express a willingness to donate organs; however, one reason commonly cited by Israelis for refusal to sign donor cards is the fear that doctors' incentives to declare death for organ harvesting and their ability to do so are not limited enough. %ad%

United Torah Judaism opposed the law consistently as it went through the legislative process, saying that it was against Jewish law. The party turned the vote on the Schneller bill into a vote of confidence in the government, but were unable to prevent its passage.

MK Schneller said that his bill had the approval of leading rabbis, such as Chief Rabbi Shlomo Amar, former Chief Rabbi Ovadia Yosef, former Chief Rabbi Mordechai Eliyahu and others.

MKs Shelly Yechimovich (Labor) and Zahava Gal-On (Meretz) expressed deep concerns over the new legislation, saying a law providing compensation to live donors could lead to a trade in human organs with government approval. For some poor Israelis, even the NIS 18,000 currently estimated as compensation for lost time and missed days of work could be sufficient reason to give a kidney, they said.