

The Human Tissue Bill

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Dear Editor,

The Human Tissue Bill (HTB), which is due to be transposed into law later this month, represents a significant change in the landscape of solid organ and tissue transplant in Ireland. This change comes at a time where both Irish and European rates of organ transplant continue to lag following the COVID19 pandemic¹. Such paucity of organ availability is echoed too on the global stage with the World Health Organisation recognising the limiting effect of organ shortage on the capacity of global transplant networks². Legislative change, as seen in the HTB, represents an essential step in supporting these lifesaving services.

Death occurring in circumstances where organ donation is a viable option is relatively rare, with a diagnosis of 'brain death' constituting the largest proportion of patients with potential to donate. Brain death represented 5.2% of total deaths in the Irish ICU setting in 2021³ with 48.5% of these patients progressing to organ donation³. Withheld consent from family members was the most common reason for potential organ donors not proceeding to donation³. In that same year, donations from 65 deceased donors generated 171 organ transplant recipients¹, showcasing the significant impact of a single donation.

The central concept of the HTB is that of consent, which proposes a change from the 'soft opt-in' system currently in place to a 'soft opt-out' process. Presently, organ donation may occur in suitable individuals who have prospectively indicated their desire to donate – e.g. by carrying an organ donor card. In areas of uncertainty, family members are asked to consent to the donation which would not go ahead in instances of objection. This donation would not go ahead if faced with opposition from the individual's family members. With the passing of the HTB, all patients who die will be presumed to be willing organ donors unless they have registered their objection by removing their name from the national registry. The next of kin will retain the capacity to withdraw consent on behalf of the deceased. Legislative changes such as that outlined in the HRB of presumed consent have previously demonstrated increases in organ donation of 25-30%⁴, news which would be welcomed by the 512, 53, 30, 23 and 11

patients awaiting kidney, liver, lung, pancreas, and heart transplant in Ireland according to the latest published figures.¹

Acceptability of organ donation has been previously demonstrated as high (>90%) in many populations⁵⁻⁶. Prior qualitative analysis carried out in Switzerland regarding favourability of citizens toward presumed consent to organ transplant highlighted donor autonomy and respect for wishes of family members as central concepts of an ideal organ donation service⁷. The HTB accounts for these core ethical concepts whilst enacting necessary legislative changes to ensure the Irish Organ Transplant services are supported, patient autonomy is respected and that, ultimately, more patients awaiting organ transplant are granted an opportunity to undergo potentially lifesaving treatment.

Declarations of Conflicts of Interest:

None declared.

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