



# PRESS RELEASE

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## HOW DO CANADIANS FEEL ABOUT NEW LAW THAT ASSUMES CONSENT FOR DECEASED ORGAN DONATION?

*Recent study examined public comments from 35 news articles*

### Highlights

- In 2019, two Canadian provinces passed deemed consent legislation, where adults are automatically presumed to consent to organ donation upon their death unless they registered to opt out.
- When investigators analyzed public comments about the legislation from Canadian news outlets, they identified various themes related to perceived positive implications, perceived negative implications, and key considerations.

**Washington, DC (October 26, 2022)** — One strategy to address the scarcity of organs for transplantation is called deemed consent legislation, where adults are automatically presumed to consent to organ donation upon their death unless they registered an opt-out decision. In 2019, two Canadian provinces (Nova Scotia and Alberta) became the first jurisdictions in North America to pass deemed consent legislation. A recent study published in *CJASN* explored public comments from Canadians regarding deemed consent.

For the study, a team led by Ngan N. Lam, MD, MSc (University of Calgary) extracted public comments regarding deemed consent from online articles published by 4 major Canadian news outlets between January 2019 and July 2020.

Among 4,357 comments from 35 eligible news articles, themes regarding the perceived positive implications of the legislation included majority rules, societal impact, and prioritizing donation. Themes regarding the perceived negative implications were a right to choose, the potential for abuse and errors, and a possible slippery slope.

In addition to comments that expressed potential positive or negative implications, comments also offered several key considerations, including improving government transparency and communication.

“For deemed consent to be successful, there must be public trust and support for the legislation. Thus, understanding public perceptions of the legislation is critical to not only ensure that public perceptions are understood, but so that concerns can be identified and addressed,” said Dr. Lam. “Understanding the perspectives of all Canadians would be

challenging and not possible within the scope of our work; however, we were able to gain perspectives from the viewpoint of individuals commenting on press articles, which provided a preliminary understanding of different views.”

An accompanying editorial stressed the importance of public engagement, noting that such policies risk negatively impacting rates of organ donation if the public perceives the process to threaten rights or does not trust the healthcare community to ensure appropriate end-of-life care for organ donors.

An accompanying Patient Voice article states that the article “offers a valuable lesson to well-intentioned kidney advocates in the United States because several proposals similarly predicated to the Canadian legislation are perennial failures in the US Congress and rejected by major patient advocacy organizations.”

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The article, titled “A Qualitative Content Analysis of Comments on Press Articles on Deemed Consent for Organ Donation in Canada,” will appear online at <http://cjasn.asnjournals.org/> on October 26, 2022, doi: 10.2215/CJN.04340422.

The editorial, titled “Understanding Public Perspectives on Opt-Out Deceased Donor Transplant Policy—Ethically Obligatory and Practically Necessary,” will appear online at <http://cjasn.asnjournals.org/> on October 26, 2022, doi: 10.2215/CJN.11230922.

The Patient Voice, titled “Media Analysis of the Canadian Deemed Consent Policy,” will appear online at <http://cjasn.asnjournals.org/> on October 26, 2022, doi: 10.2215/CJN.11270922.

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