

BILL ANALYSIS

Senate Research Center

S.B. 1803
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Health & Human Services
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas has adopted an organ, tissue, and eye donation registry, known as the Glenda Dawson Donate Life Texas Registry (registry), but the Health and Safety Code has not yet changed to reflect this. The traditional wording in the code has kept the registry from allowing potential registrants to register without a cumbersome validation process.

The registry's online registration process includes a validation step that requires the signing and mailing of a validation form. After a person registers online, he or she is sent a validation form to complete to certify registration. The potential donor must mail the form back to the registry before being officially registered. This step has become an obstacle to finishing the registration process and is not uniform with any of the other 38 state registries. An additional obstacle is the requirement for two witness signatures. The registry's Texas Organ, Tissue, and Eye Donor Council recommends that a donor's electronic signature be recognized as an official signature rather than requiring the mailed return of a signature form and to eliminate the requirement for two witness signatures in the online and paper settings of the registry. This bill updates current law to reflect the establishment of the registry in Texas and allow potential registrants to be registered officially via a simplified process.

S.B. 1803 amends current law relating to the Glenda Dawson Donate Life Texas Registry.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 49.002(m), Health and Safety Code, as follows:

(m) Requires, rather than authorizes, the Department of State Health Services (DSHS) in consultation with the Texas Organ, Tissue, and Eye Donor Council (council), to implement a training program for all appropriate Department of Public Safety of the State of Texas (DPS) and Texas Department of Transportation (TxDOT) employees on the benefits of organ, tissue, and eye donation and the procedures for individuals to be added to the statewide Internet-based registry of organ, tissue, and eye donors. Provides that DPS and TxDOT employees are not required to answer customer questions about donation or transplantation. Requires that DPS training under this section include training on asking the appropriate question under Section 521.401(c)(1)(B) (relating to an opportunity for a person to consent in writing to DSHS's provision of certain information needed for identification purposes at the time of donation by asking a certain set forth question). Requires DSHS, with expert council input and support, to implement the training program and conduct the training on an ongoing basis for new employees, rather than implement the training program before the date that the statewide Internet-based registry is operational and to conduct the training on an ongoing basis for new employees.

SECTION 2. Amends Section 692.003(d), Health and Safety Code, as follows:

(d) Authorizes that the document be a card designed to be carried by the donor or another record signed by the donor or other person making the gift. Authorizes that a

statement or symbol in an online donor registry and authorized by the donor indicating the donor has made an anatomical gift also serve as a document making a gift. Requires that the document, to be effective, be signed by the donor in the presence of two witnesses, except as otherwise provided by Subchapter Q (Anatomical Gifts), Chapter 521 (Driver's Licenses and Certificates), Transportation Code, this subsection, or other law. Provides that an online donation registration does not require the consent of another person or require two witnesses. Provides that the online registration constitutes a legal document under this chapter and remains binding after the donor's death.

SECTION 3. Amends Subchapter D, Chapter 502, Transportation Code, by adding Section 502.189, as follows:

Sec. 502.189. DONOR REGISTRY INFORMATION. (a) Requires TxDOT, with expert input and support from the council, to add a link from TxDOT's Internet website to the Donor Education, Awareness, and Registry Program of Texas established under Chapter 49 (Donor Education, Awareness, and Registry), Health and Safety Code, and provide a method to distribute donor registry information to interested individuals in each office authorized to issue motor vehicle registrations.

(b) Requires TxDOT to make available for distribution to each office authorized to issue motor vehicle registrations Donate Life brochures that provide basic donor information in English and Spanish and a contact phone number and e-mail address. Requires TxDOT to ensure that the question provided in Section 521.401(c)(1)(B) and information on the donor registry Internet website is included with registration renewal notices.

SECTION 4. Amends Section 521.401, Transportation Code, by amending Subsection (c) and adding Subsection (e), as follows:

(c) Requires that donor registry information, rather than donor cards, be provided to DPS and TxDOT by qualified organ or tissue procurement organizations or eye banks, as those terms are defined in Section 692.002 (Definitions), Health and Safety Code, or by the Donor Education, Awareness, and Registry Program of Texas established under Chapter 49, Health and Safety Code. Requires DPS, with expert input and support from the council, to provide to each applicant for the issuance of an original, renewal, corrected, or duplicate driver's license or personal identification certificate who applies in person, by mail, over the Internet, or by other electronic means an opportunity for the person to consent in writing to DPS's provision of the person's name, date of birth, driver's license number, most recent address, and other information needed for identification purposes at the time of donation to the organization selected by the commissioner of state health services under Chapter 49, Health and Safety Code, for inclusion in the statewide Internet-based registry of organ, tissue, and eye donors and for release to qualified organ, tissue, and eye bank organizations by specifically asking each applicant only the question, "Would you like to register as an organ donor?"; and providing a means to distribute donor registry information, rather than donor cards, to interested individuals in each office authorized to issue driver's licenses or personal identification certificates.

(e) Requires DPS to distribute at all field offices Donate Life brochures that provide basic donation information in English and Spanish and include a contact phone number and e-mail address. Requires DPS to include the question required under Subsection (c)(1)(B) and information on the donor registry Internet website in renewal notices.

SECTION 5. Provides that not later than January 1, 2010, DSHS is required to implement the training program required under Section 49.002(m), Health and Safety Code, as amended by this Act; DPS is required to implement Section 521.401, Transportation Code, as amended by this Act; and TxDOT is required to implement Section 502.189, Transportation Code, as added by this Act.

SECTION 6. Effective date: September 1, 2009.