

## **BILL ANALYSIS**

Senate Research Center  
81R9754 YDB-F

S.B. 1803  
By: Zaffirini  
Health & Human Services  
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As Filed

### **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.

As proposed, S.B. 1803 requires the Department of State Health Services to implement a training program for all appropriate Department of Public Safety (DPS) and Texas Department of Transportation (TxDOT) employees on organ, tissue, and eye donation and the procedures for adding individuals to the statewide Internet-based registry. The bill also establishes protocols for DPS and TxDOT employees to follow in recruiting potential donors from driver's license, personal identification, or motor vehicle registration applicants when conducting certain transactions.

### **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, to require, rather than authorize, 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 (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. Requires DSHS, with expert council input and support, to implement the training program before the date that the statewide Internet-based registry is operational and is required to conduct the training on an ongoing basis for new employees.

SECTION 2. Amends Section 692.003(d), Health and Safety Code, to require 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, or other law.

SECTION 3. Amends Section 521.401(c), Transportation Code, as follows:

(c) Requires that 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 (Donor Education, Awareness, and Registry), Health and Safety Code. Requires DPS and TxDOT to provide to each applicant for the issuance of an original, renewal, corrected, or duplicate driver's license or personal identification certificate or motor vehicle registration 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 the question, "Would you like to register as an organ donor?"

SECTION 4. Effective date: September 1, 2009.