

By: Guerra

H.B. No. 4136

A BILL TO BE ENTITLED

AN ACT

1
2 relating to publication of national organ transplant waiting list
3 information on the Department of State Health Services' Internet
4 website and donors included in the anatomical gift registry.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 692A.005(a), Health and Safety Code, is
7 amended to read as follows:

8 (a) A donor may make an anatomical gift:

9 (1) on inclusion in the Glenda Dawson Donate
10 Life-Texas Registry, as demonstrated by [authorizing] a statement
11 or symbol [~~indicating that the donor has made an anatomical gift to~~
12 ~~be~~] imprinted on the donor's driver's license or personal
13 identification certificate in the manner described by Section
14 521.401, Transportation Code, indicating the donor is willing to
15 make an anatomical gift [card];

16 (2) in a will;

17 (3) during a terminal illness or injury of the donor,
18 by any form of communication addressed to at least two adults, at
19 least one of whom is a disinterested witness; or

20 (4) as provided in Subsection (b).

21 SECTION 2. Chapter 692A, Health and Safety Code, is amended
22 by adding Section 692A.024 to read as follows:

23 Sec. 692A.024. INFORMATION ON NATIONAL WAITING LIST FOR
24 ORGAN TRANSPLANT. The department shall prepare and publish on the

1 department's Internet website information on the steps necessary to
2 be placed on the national waiting list for obtaining an organ
3 transplant.

4 SECTION 3. Section 502.189(b), Transportation Code, is
5 amended to read as follows:

6 (b) The department shall make available for distribution to
7 each office authorized to issue motor vehicle registrations Donate
8 Life brochures that provide basic donor information in English and
9 Spanish and a contact phone number and e-mail address. The
10 department shall ensure that the question provided in Section
11 521.401(c-1) [~~521.401(c)(1)(B)~~] and information on the donor
12 registry Internet website is included with registration renewal
13 notices.

14 SECTION 4. Sections 521.401(c), (c-1), and (e),
15 Transportation Code, are amended to read as follows:

16 (c) Donor registry information shall be provided to the
17 department and the Texas Department of Transportation by organ
18 procurement organizations, tissue banks, or eye banks, as those
19 terms are defined in Section 692A.002, Health and Safety Code, or by
20 the Glenda Dawson Donate Life-Texas Registry operated under Chapter
21 692A, Health and Safety Code. The department, with expert input and
22 support from the nonprofit organization administering the Glenda
23 Dawson Donate Life-Texas Registry, shall:

24 (1) provide to each applicant for the issuance of an
25 original, renewal, corrected, or duplicate driver's license or
26 personal identification certificate who applies in person, by mail,
27 over the Internet, or by other electronic means, an opportunity for

1 the person to:

2 (A) include a statement or symbol imprinted [~~the~~
3 ~~opportunity to indicate~~] on the person's driver's license or
4 personal identification certificate indicating that the person is
5 willing to make an anatomical gift, in the event of death, in
6 accordance with Section 692A.005, Health and Safety Code; and

7 (B) [~~an opportunity for the person to~~] consent to
8 inclusion of the person's information in the statewide
9 Internet-based registry of organ, tissue, and eye donors and
10 release of the information to procurement organizations in the
11 manner provided by Subsection (c-1); and

12 (2) provide a means to distribute donor registry
13 information to interested individuals in each office authorized to
14 issue driver's licenses or personal identification certificates.

15 (c-1) The department shall:

16 (1) specifically ask each applicant only the question,
17 "Ninety percent of Texans believe in organ donation; would you like
18 to join the organ donor registry?" [~~"Would you like to register as~~
19 ~~an organ donor?"~~]; and

20 (2) if the applicant responds affirmatively to the
21 question asked under Subdivision (1), provide the person's name,
22 date of birth, driver's license number, most recent address, and
23 other information needed for identification purposes at the time of
24 donation to the nonprofit organization contracted to maintain the
25 statewide donor registry under Section 692A.020, Health and Safety
26 Code, for inclusion in the registry.

27 (e) The department shall distribute at all field offices

1 Donate Life brochures that provide basic donation information in
2 English and Spanish and include a contact phone number and e-mail
3 address. The department shall include the question required under
4 Subsection (c-1) [~~(c)(1)(B)~~] and information on the donor registry
5 Internet website in renewal notices.

6 SECTION 5. The changes in law made by this Act apply only to
7 a driver's license or personal identification certificate for which
8 an application is submitted on or after the effective date of this
9 Act. A driver's license or personal identification certificate for
10 which an application was submitted before the effective date of
11 this Act is governed by the law as it existed immediately before the
12 effective date of this Act, and that law is continued in effect for
13 that purpose.

14 SECTION 6. This Act takes effect September 1, 2023.