

By: Carona

S.B. No. 1135

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the allocation of kidneys available for transplant in  
3 this state.

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

5 SECTION 1. DEFINITIONS. In this Act:

6 (1) "Department" means the Texas Department of Health.

7 (2) "Organ procurement organization" means an  
8 organization that:

9 (A) is a qualified organ procurement  
10 organization under 42 U.S.C. Section 273 that is currently  
11 certified or recertified in accordance with that federal law; and

12 (B) has a defined service area that includes all  
13 or part of this state.

14 SECTION 2. KIDNEY ALLOCATION SYSTEM; WAIVERS AND VARIANCES  
15 TO ALTER CURRENT SYSTEM. The department shall offer its services as  
16 a mediator and facilitator to the organ procurement organizations  
17 for the purpose of developing the waivers or variances that will, on  
18 approval by the appropriate authorities, allow the current system  
19 of allocating kidneys available for transplant in this state to be  
20 changed as described by this Act.

21 SECTION 3. ORGAN ALLOCATION AREAS. Under the changed  
22 allocation system, contiguous organ allocation areas or a suitable  
23 alternative geographic configuration of areas for kidney  
24 allocation will be established to address organ availability and to

1 equalize waiting times for a transplant.

2 SECTION 4. EXPIRATION. This Act expires September 1, 2005.

3 SECTION 5. EFFECTIVE DATE. This Act takes effect  
4 immediately if it receives a vote of two-thirds of all the members  
5 elected to each house, as provided by Section 39, Article III, Texas  
6 Constitution. If this Act does not receive the vote necessary for  
7 immediate effect, this Act takes effect September 1, 2003.