

AN ACT

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

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

SECTION 1. Chapter 161, Health and Safety Code, is amended by adding Subchapter R to read as follows:

SUBCHAPTER R. ALLOCATION OF KIDNEYS AVAILABLE FOR TRANSPLANT

Sec. 161.451. DEFINITION. In this subchapter, "organ procurement organization" means an organization that is a qualified organ procurement organization under 42 U.S.C. Section 273 that is currently certified or recertified in accordance with that federal law.

Sec. 161.452. FORMATION OF KIDNEY SHARING POOL AND DISTRIBUTION TO LONGEST WAITING PATIENTS. (a) Under the system for allocating kidneys available for transplant in this state, to the extent allowed by federal law, a statewide pool of 20 percent of the kidneys from deceased donors of each blood type recovered by each organ procurement organization that has a defined service area that includes all or part of this state is provided to a special pool for redistribution to patients who have been waiting the longest for transplantation in this state.

(b) Medically eligible patients with low panel reactive antibodies of less than 10 percent who, in terms of accumulated waiting time, comprise the top 20 percent of all patients waiting

1 will be put in a pool. As one of those patients receives a
2 transplant, the patient will be replaced in the pool, in turn, by
3 the next longest waiting patient. Only accumulated waiting time
4 will be used to establish priority access to the pool.

5 (c) With the exception of assigning points for a six antigen
6 match with zero antigen mismatch, assigning points for human
7 leukocyte antigen (HLA) match will be eliminated by organ
8 procurement organizations that are participating in the pool
9 established under Subsection (a).

10 (d) After a patient has qualified for entry into the pool
11 established under Subsection (b), the order of distribution is
12 based solely on the length of time each patient has waited.

13 (e) Use of the pools will be managed by the federal Organ
14 Procurement and Transplantation Network.

15 (f) A panel of appropriate physician specialists of Texas'
16 Organ Procurement and Transplantation Network members will monitor
17 the listing of patients and the appropriate use of the pools.

18 SECTION 2. Organ procurement organizations that have a
19 defined service area that includes all or part of this state and
20 that are members of the Organ Procurement and Transplantation
21 Network, and transplant centers in this state that are members of
22 the Organ Procurement and Transplantation Network, shall submit to
23 the Organ Procurement and Transplantation Network a kidney sharing
24 agreement not later than the 180th day after the effective date of
25 this Act.

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

S.B. No. 1226

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1226 passed the Senate on
May 6, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1226 passed the House on
May 25, 2003, by the following vote: Yeas 117, Nays 0, two
present not voting.

Chief Clerk of the House

Approved:

Date

Governor