

By: Nelson

S.B. No. 1226

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

7 SUBCHAPTER R. ALLOCATION OF KIDNEYS AVAILABLE FOR TRANSPLANT

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

13 Sec. 161.452. DEPARTMENT RULES. To the extent allowed by
14 federal law, the department by rule shall require the system for
15 allocating kidneys available for transplant in this state to
16 conform to the requirements of this subchapter.

17 Sec. 161.453. FORMATION OF PATIENT POOLS AND ORGAN SHARING
18 POOL. (a) Under the system for allocating kidneys available for
19 transplant in this state, two statewide pools of patients who need
20 kidney transplants shall be formed. One pool will consist of
21 patients in this state with low panel reactive antibodies, and the
22 other pool will consist of patients in this state with high panel
23 reactive antibodies.

24 (b) Patients in the low panel reactive antibodies pool will

1 be eligible to participate in an organ sharing pool that shall be
2 created under the allocation system. The procedures of the organ
3 sharing pool must provide that 20 percent of the kidneys available
4 for transplant to patients in this state who are served by any one
5 of the organ procurement organizations that have a defined service
6 area that includes all or part of this state shall also be made
7 available to patients in the low panel reactive antibodies pool who
8 are served by any of the other organ procurement organizations that
9 have a defined service area that includes all or part of this state.

10 SECTION 2. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2003.