

1-1 By: Nelson S.B. No. 1226  
1-2 (In the Senate - Filed March 12, 2003; March 19, 2003, read  
1-3 first time and referred to Committee on Health and Human Services;  
1-4 April 29, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 29, 2003,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1226 By: Nelson

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the allocation of kidneys available for transplant in  
1-11 this state.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 161, Health and Safety Code, is amended  
1-14 by adding Subchapter R to read as follows:

1-15 SUBCHAPTER R. ALLOCATION OF KIDNEYS AVAILABLE FOR TRANSPLANT

1-16 Sec. 161.451. DEFINITION. In this subchapter, "organ  
1-17 procurement organization" means an organization that is a qualified  
1-18 organ procurement organization under 42 U.S.C. Section 273 that is  
1-19 currently certified or recertified in accordance with that federal  
1-20 law.

1-21 Sec. 161.452. FORMATION OF KIDNEY SHARING POOL AND  
1-22 DISTRIBUTION TO LONGEST WAITING PATIENTS. (a) Under the system  
1-23 for allocating kidneys available for transplant in this state, to  
1-24 the extent allowed by federal law, a statewide pool of 20 percent of  
1-25 the kidneys from deceased donors of each blood type recovered by  
1-26 each organ procurement organization that has a defined service area  
1-27 that includes all or part of this state is provided to a special  
1-28 pool for redistribution to patients who have been waiting the  
1-29 longest for transplantation in this state.

1-30 (b) Medically eligible patients with low panel reactive  
1-31 antibodies of less than 10 percent who, in terms of accumulated  
1-32 waiting time, comprise the top 20 percent of all patients waiting  
1-33 will be put in a pool. As one of those patients receives a  
1-34 transplant, the patient will be replaced in the pool, in turn, by  
1-35 the next longest waiting patient. Only accumulated waiting time  
1-36 will be used to establish priority access to the pool.

1-37 (c) With the exception of assigning points for a six antigen  
1-38 match with zero antigen mismatch, assigning points for human  
1-39 leukocyte antigen (HLA) match will be eliminated by organ  
1-40 procurement organizations that are participating in the pool  
1-41 established under Subsection (a).

1-42 (d) After a patient has qualified for entry into the pool  
1-43 established under Subsection (b), the order of distribution is  
1-44 based solely on the length of time each patient has waited.

1-45 (e) Use of the pools will be managed by the federal Organ  
1-46 Procurement and Transplantation Network.

1-47 (f) A panel of appropriate physician specialists of Texas'  
1-48 Organ Procurement and Transplantation Network members will monitor  
1-49 the listing of patients and the appropriate use of the pools.

1-50 SECTION 2. Organ procurement organizations that have a  
1-51 defined service area that includes all or part of this state and  
1-52 that are members of the Organ Procurement and Transplantation  
1-53 Network, and transplant centers in this state that are members of  
1-54 the Organ Procurement and Transplantation Network, shall submit to  
1-55 the Organ Procurement and Transplantation Network a kidney sharing  
1-56 agreement not later than the 180th day after the effective date of  
1-57 this Act.

1-58 SECTION 3. This Act takes effect immediately if it receives  
1-59 a vote of two-thirds of all the members elected to each house, as  
1-60 provided by Section 39, Article III, Texas Constitution. If this  
1-61 Act does not receive the vote necessary for immediate effect, this  
1-62 Act takes effect September 1, 2003.

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