

BILL ANALYSIS

S.B. 1803
By: Zaffirini
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Texas has adopted an organ, tissue, and eye donation registry, known as the Glenda Dawson Donate Life-Texas Registry, but the Health and Safety Code has not yet changed to reflect this. The traditional wording in the code has kept the registry from allowing potential registrants to register without a cumbersome validation process.

The registry's online registration process includes a validation step that requires the signing and mailing of a validation form. After a person registers online, the person is sent a validation form to complete to certify registration. The potential donor must mail the form back to the registry before being officially registered. This step has become an obstacle to finishing the registration process and is not uniform with any of the other 38 state registries. An additional obstacle is the requirement for two witness signatures. The registry's Texas Organ, Tissue, and Eye Donor Council recommends that a donor's electronic signature be recognized as an official signature rather than requiring the mailed return of a signature form and that the requirement for two witness signatures in the online and paper settings of the registry be eliminated. This bill updates current law to reflect the establishment of the registry in Texas and to allow potential registrants to be registered officially via a simplified process.

S.B. 1803 requires the Department of State Health Services to implement a training program for all appropriate Department of Public Safety (DPS) and Texas Department of Transportation (TxDOT) employees on organ, tissue, and eye donation and the procedures for adding individuals to the statewide Internet-based registry. The bill also establishes protocols for DPS and TxDOT employees to follow in providing potential donors from driver's license, personal identification, or motor vehicle registration applicants the opportunity to register when conducting certain transactions.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1803 amends the Health and Safety Code to require, rather than authorize, the Department of State Health Services (DSHS), in consultation with the Texas Organ, Tissue, and Eye Donor Council, to implement a training program for all appropriate Department of Public Safety (DPS) and Texas Department of Transportation (TxDOT) employees on the benefits of organ, tissue, and eye donation and the procedures for individuals to be added to the statewide Internet-based registry of organ, tissue, and eye donors. The bill clarifies that DPS or TxDOT employees are not required to answer customer questions about donation or transplantation. The bill requires the DPS training to include training on asking each applicant for a driver's license or personal identification certificate, in the manner specified, whether that person would like to register as an organ donor. The bill specifies that DSHS is required to implement the training program and conduct the training on an ongoing basis for new employees with the input and support of expert council.

S.B. 1803 authorizes the gift of an organ to be made by a record signed by the donor or person making the gift as an alternative to a gift made by a will and authorizes a statement or symbol in an online donor registry authorized by the donor indicating the donor has made an anatomical gift to serve also as a document making a gift. The bill adds an exception to the requirement that the document must be signed by the donor in the presence of two witnesses to be effective for purposes of certain provisions of law. The bill establishes that an online donation registration does not require the consent of another person or require two witnesses and that online registration constitutes a legal document under the Texas Anatomical Gift Act and remains binding after the donor's death.

S.B. 1803 amends the Transportation Code to require TxDOT, with expert input and support from the Texas Organ, Tissue, and Eye Donor Council, to add a link from the TxDOT Internet website to the Donor Education, Awareness, and Registry Program of Texas and to provide a method to distribute donor registry information to interested individuals in each office authorized to issue motor vehicle registrations. The bill requires TxDOT to make available for distribution to each office authorized to issue motor vehicle registrations Donate Life brochures that provide basic donor information in English and Spanish and a contact phone number and e-mail address. The bill requires TxDOT to ensure that the question as to whether a person would like to register as an organ donor and information on the donor registry Internet website is included with registration renewal notices.

S.B. 1803 requires donor registry information to be provided to TxDOT, as well as to DPS, by qualified organ or tissue procurement organizations or eye banks, or by the Donor Education, Awareness, and Registry Program of Texas. The bill requires the anatomical gift procedures to be followed by DPS in providing opportunity to indicate a person's consent to organ donation to be provided with expert input and support from the Texas Organ, Tissue, and Eye Donor Council. The bill specifies that the opportunity that DPS is required to provide for each applicant for a driver's license or personal identification certificate to consent in writing to inclusion in the statewide Internet-based registry of organ, tissue, and eye donors and for release to qualified organ, tissue, and eye bank organizations be provided by specifically asking each applicant only the question, "Would you like to register as an organ donor?" The bill requires DPS to distribute at all field offices Donate Life brochures that provide basic donation information in English and Spanish and include a contact phone number and e-mail address. The bill requires DPS to include the required question as to whether that person would like to register as an organ donor and information on the donor registry Internet website in renewal notices.

S.B. 1803 requires DSHS to implement the required training program, DPS to implement the changes made by the bill to provisions regarding a statement of gift, and TxDOT to implement provisions added by the bill regarding donor registry information not later than January 1, 2010.

EFFECTIVE DATE

September 1, 2009.