

By: Zaffirini

S.B. No. 1803

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the Glenda Dawson Donate Life-Texas Registry.

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

4 SECTION 1. Subsection (m), Section 49.002, Health and  
5 Safety Code, is amended to read as follows:

6 (m) In consultation with the Texas Organ, Tissue, and Eye  
7 Donor Council, the department shall ~~[may]~~ implement a training  
8 program for all appropriate Department of Public Safety and Texas  
9 Department of Transportation employees on the benefits of organ,  
10 tissue, and eye donation and the procedures for individuals to be  
11 added to the statewide Internet-based registry of organ, tissue,  
12 and eye donors. Department of Public Safety and Texas Department of  
13 Transportation employees are not required to answer customer  
14 questions about donation or transplantation. The Department of  
15 Public Safety training under this section must include training on  
16 asking the appropriate question under Section 521.401(c)(1)(B).  
17 The department, with expert council input and support, shall  
18 implement the training program ~~[before the date that the statewide~~  
19 ~~Internet-based registry is operational]~~ and ~~[shall]~~ conduct the  
20 training on an ongoing basis for new employees.

21 SECTION 2. Subsection (d), Section 692.003, Health and  
22 Safety Code, is amended to read as follows:

23 (d) A gift made by a document other than a will is effective  
24 on the death of the donor. The document may be a card designed to be

1 carried by the donor or another record signed by the donor or other  
2 person making the gift. A statement or symbol in an online donor  
3 registry and authorized by the donor indicating the donor has made  
4 an anatomical gift may also serve as a document making a gift. To be  
5 effective, the document must be signed by the donor in the presence  
6 of two witnesses except as otherwise provided by Subchapter Q,  
7 Chapter 521, Transportation Code, this subsection, or other law.  
8 If the donor cannot sign the document, a person may sign the  
9 document for the donor at the donor's direction and in the presence  
10 of the donor and two witnesses. The witnesses to the signing of a  
11 document under this subsection must sign the document in the  
12 presence of the donor. Delivery of the document during the donor's  
13 lifetime is not necessary to make the gift valid. An online  
14 donation registration does not require the consent of another  
15 person or require two witnesses. The online registration  
16 constitutes a legal document under this chapter and remains binding  
17 after the donor's death.

18 SECTION 3. Subchapter D, Chapter 502, Transportation Code,  
19 is amended by adding Section 502.189 to read as follows:

20 Sec. 502.189. DONOR REGISTRY INFORMATION. (a) The  
21 department, with expert input and support from the Texas Organ,  
22 Tissue, and Eye Donor Council, shall:

23 (1) add a link from the department's Internet website  
24 to the Donor Education, Awareness, and Registry Program of Texas  
25 established under Chapter 49, Health and Safety Code; and

26 (2) provide a method to distribute donor registry  
27 information to interested individuals in each office authorized to

1 issue motor vehicle registrations.

2 (b) The department shall make available for distribution to  
3 each office authorized to issue motor vehicle registrations Donate  
4 Life brochures that provide basic donor information in English and  
5 Spanish and a contact phone number and e-mail address. The  
6 department shall ensure that the question provided in Section  
7 521.401(c)(1)(B) and information on the donor registry Internet  
8 website is included with registration renewal notices.

9 SECTION 4. Section 521.401, Transportation Code, is amended  
10 by amending Subsection (c) and adding Subsection (e) to read as  
11 follows:

12 (c) Donor registry information [~~cards~~] shall be provided to  
13 the department and the Texas Department of Transportation by  
14 qualified organ or tissue procurement organizations or eye banks,  
15 as those terms are defined in Section 692.002, Health and Safety  
16 Code, or by the Donor Education, Awareness, and Registry Program of  
17 Texas established under Chapter 49, Health and Safety Code. The  
18 department, with expert input and support from the Texas Organ,  
19 Tissue, and Eye Donor Council, shall:

20 (1) provide to each applicant for the issuance of an  
21 original, renewal, corrected, or duplicate driver's license or  
22 personal identification certificate who applies in person, by mail,  
23 over the Internet, or by other electronic means:

24 (A) the opportunity to indicate on the person's  
25 driver's license or personal identification certificate that the  
26 person is willing to make an anatomical gift, in the event of death,  
27 in accordance with Section 692.003, Health and Safety Code; and

1           (B) an opportunity for the person to consent in  
2 writing to the department's provision of the person's name, date of  
3 birth, driver's license number, most recent address, and other  
4 information needed for identification purposes at the time of  
5 donation to the organization selected by the commissioner of state  
6 health services under Chapter 49, Health and Safety Code, for  
7 inclusion in the statewide Internet-based registry of organ,  
8 tissue, and eye donors and for release to qualified organ, tissue,  
9 and eye bank organizations by specifically asking each applicant  
10 only the question, "Would you like to register as an organ donor?";  
11 and

12           (2) provide a means to distribute donor registry  
13 information [~~cards~~] to interested individuals in each office  
14 authorized to issue driver's licenses or personal identification  
15 certificates.

16           (e) The department shall distribute at all field offices  
17 Donate Life brochures that provide basic donation information in  
18 English and Spanish and include a contact phone number and e-mail  
19 address. The department shall include the question required under  
20 Subsection (c)(1)(B) and information on the donor registry Internet  
21 website in renewal notices.

22           SECTION 5. Not later than January 1, 2010:

23           (1) the Department of State Health Services shall  
24 implement the training program required under Subsection (m),  
25 Section 49.002, Health and Safety Code, as amended by this Act;

26           (2) the Department of Public Safety of the State of  
27 Texas shall implement Section 521.401, Transportation Code, as

1 amended by this Act; and

2           (3) the Texas Department of Transportation shall  
3 implement Section 502.189, Transportation Code, as added by this  
4 Act.

5           SECTION 6. This Act takes effect September 1, 2009.