

1-1 By: Zaffirini S.B. No. 1803
1-2 (In the Senate - Filed March 11, 2009; March 20, 2009, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 May 1, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; May 1, 2009, sent
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1803 By: Zaffirini

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

1-10 relating to the Glenda Dawson Donate Life-Texas Registry.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (m), Section 49.002, Health and
1-13 Safety Code, is amended to read as follows:

1-14 (m) In consultation with the Texas Organ, Tissue, and Eye
1-15 Donor Council, the department shall ~~[may]~~ implement a training
1-16 program for all appropriate Department of Public Safety and Texas
1-17 Department of Transportation employees on the benefits of organ,
1-18 tissue, and eye donation and the procedures for individuals to be
1-19 added to the statewide Internet-based registry of organ, tissue,
1-20 and eye donors. Department of Public Safety and Texas Department of
1-21 Transportation employees are not required to answer customer
1-22 questions about donation or transplantation. The Department of
1-23 Public Safety training under this section must include training on
1-24 asking the appropriate question under Section 521.401(c)(1)(B).
1-25 The department, with expert council input and support, shall
1-26 implement the training program [before the date that the statewide
1-27 Internet-based registry is operational] and [shall] conduct the
1-28 training on an ongoing basis for new employees.

1-29 SECTION 2. Subsection (d), Section 692.003, Health and
1-30 Safety Code, is amended to read as follows:

1-31 (d) A gift made by a document other than a will is effective
1-32 on the death of the donor. The document may be a card designed to be
1-33 carried by the donor or another record signed by the donor or other
1-34 person making the gift. A statement or symbol in an online donor
1-35 registry and authorized by the donor indicating the donor has made
1-36 an anatomical gift may also serve as a document making a gift. To be
1-37 effective, the document must be signed by the donor in the presence
1-38 of two witnesses except as otherwise provided by Subchapter Q,
1-39 Chapter 521, Transportation Code, this subsection, or other law.
1-40 If the donor cannot sign the document, a person may sign the
1-41 document for the donor at the donor's direction and in the presence
1-42 of the donor and two witnesses. The witnesses to the signing of a
1-43 document under this subsection must sign the document in the
1-44 presence of the donor. Delivery of the document during the donor's
1-45 lifetime is not necessary to make the gift valid. An online
1-46 donation registration does not require the consent of another
1-47 person or require two witnesses. The online registration
1-48 constitutes a legal document under this chapter and remains binding
1-49 after the donor's death.

1-50 SECTION 3. Subchapter D, Chapter 502, Transportation Code,
1-51 is amended by adding Section 502.189 to read as follows:

1-52 Sec. 502.189. DONOR REGISTRY INFORMATION. (a) The
1-53 department, with expert input and support from the Texas Organ,
1-54 Tissue, and Eye Donor Council, shall:

1-55 (1) add a link from the department's Internet website
1-56 to the Donor Education, Awareness, and Registry Program of Texas
1-57 established under Chapter 49, Health and Safety Code; and

1-58 (2) provide a method to distribute donor registry
1-59 information to interested individuals in each office authorized to
1-60 issue motor vehicle registrations.

1-61 (b) The department shall make available for distribution to
1-62 each office authorized to issue motor vehicle registrations Donate
1-63 Life brochures that provide basic donor information in English and

2-1 Spanish and a contact phone number and e-mail address. The
2-2 department shall ensure that the question provided in Section
2-3 521.401(c)(1)(B) and information on the donor registry Internet
2-4 website is included with registration renewal notices.

2-5 SECTION 4. Section 521.401, Transportation Code, is amended
2-6 by amending Subsection (c) and adding Subsection (e) to read as
2-7 follows:

2-8 (c) Donor registry information [~~cards~~] shall be provided to
2-9 the department and the Texas Department of Transportation by
2-10 qualified organ or tissue procurement organizations or eye banks,
2-11 as those terms are defined in Section 692.002, Health and Safety
2-12 Code, or by the Donor Education, Awareness, and Registry Program of
2-13 Texas established under Chapter 49, Health and Safety Code. The
2-14 department, with expert input and support from the Texas Organ,
2-15 Tissue, and Eye Donor Council, shall:

2-16 (1) provide to each applicant for the issuance of an
2-17 original, renewal, corrected, or duplicate driver's license or
2-18 personal identification certificate who applies in person, by mail,
2-19 over the Internet, or by other electronic means:

2-20 (A) the opportunity to indicate on the person's
2-21 driver's license or personal identification certificate that the
2-22 person is willing to make an anatomical gift, in the event of death,
2-23 in accordance with Section 692.003, Health and Safety Code; and

2-24 (B) an opportunity for the person to consent in
2-25 writing to the department's provision of the person's name, date of
2-26 birth, driver's license number, most recent address, and other
2-27 information needed for identification purposes at the time of
2-28 donation to the organization selected by the commissioner of state
2-29 health services under Chapter 49, Health and Safety Code, for
2-30 inclusion in the statewide Internet-based registry of organ,
2-31 tissue, and eye donors and for release to qualified organ, tissue,
2-32 and eye bank organizations by specifically asking each applicant
2-33 only the question, "Would you like to register as an organ donor?";
2-34 and

2-35 (2) provide a means to distribute donor registry
2-36 information [~~cards~~] to interested individuals in each office
2-37 authorized to issue driver's licenses or personal identification
2-38 certificates.

2-39 (e) The department shall distribute at all field offices
2-40 Donate Life brochures that provide basic donation information in
2-41 English and Spanish and include a contact phone number and e-mail
2-42 address. The department shall include the question required under
2-43 Subsection (c)(1)(B) and information on the donor registry Internet
2-44 website in renewal notices.

2-45 SECTION 5. Not later than January 1, 2010:

2-46 (1) the Department of State Health Services shall
2-47 implement the training program required under Subsection (m),
2-48 Section 49.002, Health and Safety Code, as amended by this Act;

2-49 (2) the Department of Public Safety of the State of
2-50 Texas shall implement Section 521.401, Transportation Code, as
2-51 amended by this Act; and

2-52 (3) the Texas Department of Transportation shall
2-53 implement Section 502.189, Transportation Code, as added by this
2-54 Act.

2-55 SECTION 6. This Act takes effect September 1, 2009.

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