

BILL ANALYSIS

Senate Research Center
82R8671 YDB-F

S.B. 1818
By: Zaffirini
Health & Human Services
4/25/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1818 cleans-up legislation that makes registering to become an organ donor a confusing process. It permits the Department of Public Safety of the State of Texas (DPS) to use a one-question form rather than the current two-question form. This will reduce confusion, by making organ donor registration and online registration a simple process, and encourage more persons to sign up as organ donors.

Current law requires DPS to ask persons who wish to become organ donors two questions, "Do you want to register to be an organ donor?" and "Do you consent to including your personal information to qualified organ, tissue, and eye bank organizations?" The second question has proven to be misleading and confusing. It does not reflect the way DPS shares organ donor information, because in practice, DPS provides personal information to the registry. Organ procurement organizations (OPOs), however, can only access a person's information from the registry once the person has passed away.

The second question requires an unnecessary degree of consent. After a person consents to register as an organ donor via the first question, the statewide registry and OPOs are authorized to access his or her person information in the event of death. The confusion that results from the second question hampers the expansion of the organ donor registry. Persons often answer "yes" to the first question, but then say "no" to the second question. While those persons wish to register as organ donors, they cannot be added to the registry unless they respond "yes" to both questions. Thus, the two-question form obstructs persons who wish to donate their organs from expressing that intent. If the DPS asked one simple and straightforward question, a person's intent would be better carried out and the donor registry would grow.

As proposed, S.B. 1818 amends current law relating to consent for inclusion in the statewide Internet-based registry of organ, tissue, and eye donors.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 521.401, Transportation Code, by amending Subsection (c) and adding Subsection (c-1), as follows:

(c) Requires that donor registry information be provided to the Department of Public Safety of the State of Texas (DPS) and the Texas Department of Transportation (TxDOT) by organ procurement organizations, tissue banks, or eye banks, as those terms are defined in Section 692A.002 (Definitions), Health and Safety Code, or by the Glenda Dawson Donate Life-Texas Registry established under Chapter 692A (Revised Uniform Anatomical Gift Act), Health and Safety Code. Requires DPS, with expert input and support from the Texas Organ, Tissue, and Eye Donor Council, to:

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

(A) the opportunity to indicate on the person's driver's license or personal identification certificate that the person is willing to make an anatomical gift, in the event of death, in accordance with Section 692A.005 (Manner of Making Anatomical Gift Before Donor's Death), Health and Safety Code; and

(B) an opportunity for the person to consent to inclusion in the statewide Internet-based registry of organ, tissue, and eye donors and release to procurement organizations in the manner provided by Subsection (c-1), rather than providing each applicant the opportunity to consent in writing to DPS's provision of the person's name, date of birth, driver's license number, most recent address, and other information needed for identification purposes at the time of donation to the organization selected by the commissioner of state health services under Section 692A.020, Health and Safety Code, for inclusion in the statewide Internet-based registry of organ, tissue, and eye donors and for release to procurement organizations by specifically asking each applicant only the question, "Would you like to register as an organ donor?"; and

(2) provide a means to distribute donor registry information to interested individuals in each office authorized to issue driver's licenses or personal identification certificates.

(c-1) Requires DPS to:

(1) specifically ask each applicant only the question, "Would you like to register as an organ donor?"; and

(2) if the applicant responds affirmatively to the question asked under Subdivision (1), provide the person's name, date of birth, driver's license number, most recent address, and other information needed for identification purposes at the time of donation to the organization selected by the commissioner of state health services under Section 692A.020 (Glenda Dawson Donate Life-Texas Registry; Education Program), Health and Safety Code, for inclusion in the registry.

SECTION 2. Requires DPS, not later than November 1, 2011, to implement Section 521.401, Transportation Code, as amended by this Act.

SECTION 3. Effective date: September 1, 2011.