

By: Zerwas

H.B. No. 2904

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the administration of the Glenda Dawson Donate
3 Life-Texas Registry.

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

5 SECTION 1. Section 692A.020, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 692A.020. GLENDA DAWSON DONATE LIFE-TEXAS REGISTRY;
8 EDUCATION PROGRAM. (a) The department shall contract with a
9 nonprofit organization to maintain a statewide donor registry, to
10 ~~[In this section, "registry program" means the donor education,~~
11 ~~awareness, and registry program established under this section and~~
12 ~~known as the Glenda Dawson Donate Life-Texas Registry.~~

13 ~~[(b) Any program or component of a program that the~~
14 ~~department develops under this chapter shall]~~ be known as the
15 Glenda Dawson Donate Life-Texas Registry.

16 (b) The nonprofit organization administering the registry
17 must include representatives from each ~~[(c) The department shall~~
18 ~~affiliate with an entity, such as a national or state association~~
19 ~~concerned with organ donation, to promote the registry program in~~
20 ~~accordance with this section.~~

21 ~~[(d) In consultation with the Department of Public Safety~~
22 ~~and]~~ organ procurement organization in this state ~~[organizations,~~
23 ~~the department shall establish the Glenda Dawson Donate Life-Texas~~
24 ~~Registry].~~

1 (c) [~~(e)~~] The department shall require the nonprofit
2 organization with which the department has contracted to administer
3 the statewide donor registry to establish and maintain [~~enter into~~
4 ~~an agreement with an organization selected by the commissioner~~
5 ~~under a competitive proposal process for the establishment and~~
6 ~~maintenance of]~~ a statewide Internet-based registry of organ,
7 tissue, and eye donors[~~. Contingent on the continued availability~~
8 ~~of appropriations under Subsection (k), the term of the initial~~
9 ~~agreement is two years and may be renewed for two-year terms~~
10 ~~thereafter unless terminated in a written notice to the other party~~
11 ~~by the department or organization not later than the 180th day~~
12 ~~before the last day of a term)].~~

13 (d) [~~(f)~~] The Department of Public Safety at least monthly
14 shall electronically transfer to the nonprofit organization under
15 contract with the department [~~selected by the commissioner as~~
16 ~~provided by Subsection (e)] the name, date of birth, driver's
17 license number, most recent address, and any other relevant
18 information in the possession of the Department of Public Safety
19 for any person who indicates on the person's driver's license
20 application under Section 521.401, Transportation Code, that the
21 person would like to make an anatomical gift [~~and consents in~~
22 ~~writing to the release of the information by the Department of~~
23 ~~Public Safety to the organization for inclusion in the~~
24 ~~Internet-based registry)].~~~~

25 (e) [~~(g)~~] The contract between the department and the
26 nonprofit organization administering the registry [~~selected by the~~
27 ~~commissioner as provided by Subsection (e)] must require the~~

1 organization to:

2 (1) make information obtained from the Department of
3 Public Safety under Subsection (d) [~~(f)~~] available to procurement
4 organizations;

5 (2) allow potential donors to submit information in
6 writing directly to the organization for inclusion in the
7 Internet-based registry;

8 (3) maintain the Internet-based registry in a manner
9 that allows procurement organizations to immediately access organ,
10 tissue, and eye donation information 24 hours a day, seven days a
11 week through electronic and telephonic methods; and

12 (4) protect the confidentiality and privacy of the
13 individuals providing information to the Internet-based registry,
14 regardless of the manner in which the information is provided.

15 (f) [~~(h)~~] Except as otherwise provided by Subsection (e)(3)
16 [~~(g)(3)~~] or this subsection, the Department of Public Safety, the
17 nonprofit organization under contract to administer the registry
18 [~~selected by the commissioner under Subsection (e)~~], or a
19 procurement organization may not sell, rent, or otherwise share any
20 information provided to the Internet-based registry. A procurement
21 organization may share any information provided to the registry
22 with an organ procurement organization or a health care provider or
23 facility providing medical care to a potential donor as necessary
24 to properly identify an individual at the time of donation.

25 (g) [~~(i)~~] The Department of Public Safety, the nonprofit
26 organization [~~selected by the commissioner~~] under contract with the
27 department to administer the registry [~~Subsection (e)~~], or the

1 procurement organizations may not use any demographic or specific
2 data provided to the Internet-based registry for any fund-raising
3 activities. Data may only be transmitted from the selected
4 organization to procurement organizations through electronic and
5 telephonic methods using secure, encrypted technology to preserve
6 the integrity of the data and the privacy of the individuals
7 providing information.

8 (h) [~~(j)~~] In each office authorized to issue driver's
9 licenses or personal identification certificates, the Department
10 of Public Safety shall make available educational materials
11 developed by the nonprofit organization administering the registry
12 [~~Texas Organ, Tissue, and Eye Donor Council established under~~
13 ~~Chapter 113, as added by Chapter 1186, Acts of the 79th Legislature,~~
14 ~~Regular Session, 2005]~~.

15 (i) [~~(k)~~] The Department of Public Safety shall remit to the
16 comptroller the money collected under Sections 521.421(g) and
17 521.422(c), Transportation Code, as provided by those subsections.
18 A county assessor-collector shall remit to the comptroller any
19 money collected under Section 502.1745, Transportation Code, as
20 provided by that section. Money remitted to the comptroller in
21 accordance with those sections that is appropriated to the
22 department shall be disbursed to the nonprofit organization
23 administering the registry under this section under the terms of
24 the contract between the department and the organization [~~must be~~
25 ~~spent in accordance with the priorities established by the~~
26 ~~department in consultation with the Texas Organ, Tissue, and Eye~~
27 ~~Donor Council]~~ to pay the costs of:

1 (1) maintaining, operating, and updating the
2 Internet-based registry and establishing procedures for an
3 individual to be added to the registry; ~~and~~

4 (2) designing and distributing educational materials
5 for prospective donors as required under this section; and ~~[-]~~

6 (3) providing ~~[(1) Any additional money over the~~
7 ~~amount necessary to accomplish the purposes of Subsections (k)(1)~~
8 ~~and (2) may be used by the department to provide]~~ education under
9 this chapter ~~[or may be awarded using a competitive grant process to~~
10 ~~organizations to conduct organ, eye, and tissue donation education~~
11 ~~activities in this state. A member of the Texas Organ, Tissue, and~~
12 ~~Eye Donor Council may not receive a grant under this subsection].~~

13 (j) ~~[(m)]~~ The department shall require the nonprofit
14 organization selected to administer the registry ~~[under Subsection~~
15 ~~(e)]~~ to submit an annual written report to the department that
16 includes:

17 (1) the number of donors listed on the Internet-based
18 registry;

19 (2) changes in the number of donors listed on the
20 registry; ~~and~~

21 (3) the demographic characteristics of listed donors,
22 to the extent the characteristics may be determined from
23 information provided on donor registry forms submitted by donors to
24 the organization; and

25 (4) an accounting of the use of the money disbursed
26 under Subsection (i) for the administration of the registry.

27 (k) ~~[(n)]~~ To the extent funds are available and as part of

1 the donor registry program, the department may allocate funds to
2 the nonprofit organization administering the registry pursuant to
3 the contract to ~~[shall]~~ educate residents about anatomical gifts.
4 The education provided under this section ~~[program]~~ shall include
5 information about:

6 (1) the laws governing anatomical gifts, including
7 Subchapter Q, Chapter 521, Transportation Code, Chapter 693, and
8 this chapter;

9 (2) the procedures for becoming an organ, eye, or
10 tissue donor or donee; and

11 (3) the benefits of organ, eye, or tissue donation.

12 (1) ~~[(e)]~~ In contracting for ~~[developing]~~ the registry
13 program, the department ~~[in consultation with the Texas Organ,~~
14 ~~Tissue, and Eye Donor Council]~~ shall solicit broad-based input
15 reflecting recommendations of all interested groups, including
16 representatives of patients, providers, ethnic groups, and
17 geographic regions.

18 (m) The ~~[(p) In consultation with the Texas Organ, Tissue,~~
19 ~~and Eye Donor Council, the]~~ department may require the nonprofit
20 organization administering the registry to:

21 (1) implement a training program for all appropriate
22 Department of Public Safety and Texas Department of Transportation
23 employees on the benefits of organ, tissue, and eye donation and the
24 procedures for individuals to be added to the Internet-based
25 registry; and

26 (2) ~~[(p) The department shall implement the training~~
27 ~~program before the date that the registry is operational and shall]~~

1 conduct the training described by Subdivision (1) on an ongoing
2 basis for new employees.

3 (n) [~~(q)~~] The department may require the nonprofit
4 organization administering the registry to [~~shall~~] develop a
5 program to educate health care providers and attorneys in this
6 state about anatomical gifts.

7 (o) [~~(r)~~] The department [~~through the program~~] shall
8 require the nonprofit organization administering the registry to
9 encourage:

10 (1) attorneys to provide organ donation information to
11 clients seeking advice for end-of-life decisions; [~~-~~]

12 (2) [~~(s) The department shall encourage]~~ medical and
13 nursing schools in this state to include mandatory organ donation
14 education in the schools' curricula; and [~~-~~]

15 (3) [~~(t) The department shall encourage]~~ medical
16 schools in this state to require a physician in a neurology or
17 neurosurgery residency program to complete an advanced course in
18 organ donation education.

19 (p) The nonprofit organization administering the registry
20 may not:

21 (1) charge any fee for costs related to the operation
22 and maintenance of the registry, except as agreed in the contract
23 with the department; or

24 (2) use the registry to solicit voluntary donations of
25 money from a registrant.

26 (q) Except as provided by Subsection (p), the nonprofit
27 organization administering the registry may accept voluntary

1 donations of money and perform fund-raising on behalf of the
2 registry for the purpose of supporting registering donors.

3 SECTION 2. Section 502.1745(b), Transportation Code, is
4 amended to read as follows:

5 (b) A county assessor-collector shall collect an additional
6 fee of \$1 for the registration or renewal of registration of a motor
7 vehicle to pay the costs of the Glenda Dawson Donate Life-Texas
8 ~~[Donor Education, Awareness, and]~~ Registry ~~[Program of Texas,]~~
9 established under Chapter 692A ~~[49]~~, Health and Safety Code, ~~[and~~
10 ~~of the Texas Organ, Tissue, and Eye Donor Council, established~~
11 ~~under Chapter 113, Health and Safety Code,]~~ if the person
12 registering or renewing the registration of a motor vehicle opts to
13 pay the additional fee. Notwithstanding any other provision of
14 this chapter, the county assessor-collector shall remit all fees
15 collected under this subsection to the comptroller, who shall
16 maintain the identity of the source of the fees.

17 SECTION 3. Section 502.189(a), Transportation Code, is
18 amended to read as follows:

19 (a) The department, with expert input and support from the
20 nonprofit organization administering the Glenda Dawson Donate
21 Life-Texas Registry under Chapter 692A, Health and Safety Code
22 ~~[Texas Organ, Tissue, and Eye Donor Council]~~, shall:

23 (1) add a link from the department's Internet website
24 to the Glenda Dawson Donate Life-Texas ~~[Donor Education, Awareness,~~
25 ~~and]~~ Registry operated ~~[Program of Texas established]~~ under Chapter
26 692A ~~[49]~~, Health and Safety Code; and

27 (2) provide a method to distribute donor registry

1 information to interested individuals in each office authorized to
2 issue motor vehicle registrations.

3 SECTION 4. Section 521.148(c), Transportation Code, is
4 amended to read as follows:

5 (c) When the department issues a license to which this
6 section applies, the department shall provide the person to whom
7 the license is issued with written information about the Glenda
8 Dawson Donate Life-Texas Registry operated [~~program established~~]
9 under Chapter 692A [~~49~~], Health and Safety Code.

10 SECTION 5. Section 521.401(c), Transportation Code, is
11 amended to read as follows:

12 (c) Donor registry information shall be provided to the
13 department and the Texas Department of Transportation by organ
14 procurement organizations, tissue banks, or eye banks, as those
15 terms are defined in Section 692A.002, Health and Safety Code, or by
16 the Glenda Dawson Donate Life-Texas Registry operated
17 [~~established~~] under Chapter 692A, Health and Safety Code. The
18 department, with expert input and support from the nonprofit
19 organization administering the Glenda Dawson Donate Life-Texas
20 Registry [~~Texas Organ, Tissue, and Eye Donor Council~~], shall:

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

25 (A) the opportunity to indicate on the person's
26 driver's license or personal identification certificate that the
27 person is willing to make an anatomical gift, in the event of death,

1 in accordance with Section 692A.005, Health and Safety Code; and

2 (B) an opportunity for the person to consent [~~in~~
3 ~~writing~~] to [~~the department's provision of the person's name, date~~
4 ~~of birth, driver's license number, most recent address, and other~~
5 ~~information needed for identification purposes at the time of~~
6 ~~donation to the organization selected by the commissioner of state~~
7 ~~health services under Section 692A.020, Health and Safety Code,~~
8 ~~for~~] inclusion in the statewide Internet-based registry of organ,
9 tissue, and eye donors and for release to procurement organizations
10 by specifically asking each applicant only the question, "Would you
11 like to register as an organ donor?"; and

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

15 SECTION 6. Section 521.402(c), Transportation Code, is
16 amended to read as follows:

17 (c) To have a person's name deleted from the statewide
18 Internet-based registry of organ, tissue, and eye donors maintained
19 as provided by Chapter 692A [~~49~~], Health and Safety Code, a person
20 must provide written notice to the nonprofit organization selected
21 [~~by the commissioner of state health services~~] under that chapter
22 to maintain the registry directing the deletion of the person's
23 name from the registry. On receipt of a written notice under this
24 subsection, the organization shall promptly remove the person's
25 name and information from the registry.

26 SECTION 7. Section 521.421(g), Transportation Code, is
27 amended to read as follows:

1 (g) The department shall collect an additional fee of \$1 for
2 the issuance or renewal of a license, including a duplicate
3 license, a license issued to reflect an additional authorization or
4 a change in classification, or a license issued or renewed over the
5 Internet or by other electronic means, to pay the costs of the
6 Glenda Dawson Donate Life-Texas [~~Donor Education, Awareness, and~~
7 Registry operated [~~Program of Texas, established~~] under Chapter
8 692A [49], Health and Safety Code, [~~and, subject to Section~~
9 ~~113.104, Health and Safety Code, of the Texas Organ, Tissue, and Eye~~
10 ~~Donor Council, established under Chapter 113, Health and Safety~~
11 ~~Code,~~] if the person applying for, renewing, or changing a license
12 opts to pay the additional fee. The department shall remit fees
13 collected under this subsection to the comptroller, who shall
14 maintain the identity of the source of the fees. Subject to
15 appropriation, the department may retain three percent of the money
16 collected under this subsection to cover the costs in administering
17 this subsection.

18 SECTION 8. Section 521.422(c), Transportation Code, is
19 amended to read as follows:

20 (c) The department shall collect an additional fee of \$1 for
21 the issuance or renewal of a personal identification card,
22 including a duplicate personal identification card or a personal
23 identification card issued or renewed over the Internet or by other
24 electronic means, to pay the costs of the Glenda Dawson Donate
25 Life-Texas [~~Donor Education, Awareness, and~~] Registry [~~Program of~~
26 ~~Texas,~~] established under Chapter 692A [49], Health and Safety
27 Code, [~~and, subject to Section 113.104, Health and Safety Code, of~~

1 ~~the Texas Organ, Tissue, and Eye Donor Council, established under~~
2 ~~Chapter 113, Health and Safety Code,~~] if the person applying for or
3 renewing a personal identification card opts to pay the additional
4 fee. The department shall remit fees collected under this
5 subsection to the comptroller, who shall maintain the identity of
6 the source of the fees. Subject to appropriation, the department
7 may retain three percent of the money collected under this
8 subsection to cover the costs in administering this subsection.

9 SECTION 9. Section 522.034(c), Transportation Code, is
10 amended to read as follows:

11 (c) When the department issues a license or permit to which
12 this section applies, the department shall provide the person to
13 whom the license is issued with written information about the
14 Glenda Dawson Donate Life-Texas Registry program established under
15 Chapter 692A [~~49~~], Health and Safety Code.

16 SECTION 10. (a) Chapter 113, Health and Safety Code, is
17 repealed.

18 (b) Section 49.002(m), Health and Safety Code, as amended by
19 Chapter 831 (S.B. 1803), Acts of the 81st Legislature, Regular
20 Session, 2009, is repealed.

21 SECTION 11. (a) Not later than January 1, 2012, the
22 Department of State Health Services shall enter into a contract
23 with a nonprofit organization to administer the Glenda Dawson
24 Donate Life-Texas Registry under Section 692A.020, Health and
25 Safety Code, as amended by this Act.

26 (b) On January 1, 2012:

27 (1) the Texas Organ, Tissue, and Eye Donor Council

1 established under Chapter 113, Health and Safety Code, is
2 abolished;

3 (2) all property in the custody of the Texas Organ,
4 Tissue, and Eye Donor Council is transferred to the Department of
5 State Health Services;

6 (3) the unexpended and unobligated balance of any
7 money appropriated by the legislature for the Texas Organ, Tissue,
8 and Eye Donor Council is transferred to the Department of State
9 Health Services;

10 (4) all money, contracts, leases, rights, and
11 obligations of the Texas Organ, Tissue, and Eye Donor Council are
12 transferred to the Department of State Health Services;

13 (5) the Glenda Dawson Donate Life-Texas Registry, as
14 established by Section 692A.020, Health and Safety Code, as it
15 existed immediately before January 1, 2012, is abolished;

16 (6) all property in the custody of any organization
17 selected under Section 692A.020(e), Health and Safety Code, as that
18 section existed immediately before January 1, 2012, in relation to
19 the operation of the Glenda Dawson Donate Life-Texas Registry is
20 transferred to the Department of State Health Services;

21 (7) the unexpended and unobligated balance of any
22 money attributable to voluntary fees collected under Section
23 502.1745, 521.421(g), or 521.422(c), Transportation Code, for the
24 Glenda Dawson Donate Life-Texas Registry as it existed immediately
25 before January 1, 2012, may be used by the Department of State
26 Health Services for contracts relating to the Glenda Dawson Donate
27 Life-Texas Registry under Section 692A.020, Health and Safety Code,

1 as amended by this Act; and

2 (8) the Department of State Health Services shall
3 transfer all information formerly maintained by the Glenda Dawson
4 Donate Life-Texas Registry, as it existed immediately before
5 January 1, 2012, to the nonprofit organization administering the
6 Glenda Dawson Donate Life-Texas Registry under Section 692A.020,
7 Health and Safety Code, as amended by this Act, for use in the
8 Glenda Dawson Donate Life-Texas Registry created by Section
9 692A.020, Health and Safety Code, as amended by this Act.

10 SECTION 12. (a) Except as provided by Subsection (b), this
11 Act takes effect September 1, 2011.

12 (b) The following provisions take effect January 1, 2012:

13 (1) Section 692A.020, Health and Safety Code, as
14 amended by this Act; and

15 (2) Sections 502.1745, 502.189, 521.148, 521.401,
16 521.402, 521.421, 521.422, and 522.034, Transportation Code, as
17 amended by this Act.