

By: Zerwas

H.B. No. 2904

A BILL TO BE ENTITLED

AN ACT

1 relating to the administration of a centralized Texas organ
2 donation registry.
3

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. [~~GLEND A 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 writing
22 to the release of the information by the Department of Public Safety
23 to the organization for inclusion in the Internet-based registry.~~

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

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

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

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

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

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

24 (g) [~~(i)~~] The Department of Public Safety, the nonprofit
25 organization [~~selected by the commissioner~~] under contract with the
26 department to administer the registry [~~Subsection (e)~~], or the
27 procurement organizations may not use any demographic or specific

1 data provided to the Internet-based registry for any fund-raising
2 activities. Data may only be transmitted from the selected
3 organization to procurement organizations through electronic and
4 telephonic methods using secure, encrypted technology to preserve
5 the integrity of the data and the privacy of the individuals
6 providing information.

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

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

27 (1) maintaining, operating, and updating the

1 Internet-based registry and establishing procedures for an
2 individual to be added to the registry; ~~[and]~~

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

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

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

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

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

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

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

26 (k) ~~[(n)]~~ To the extent funds are available and as part of
27 the donor registry program, the department may allocate funds to

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

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

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

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

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

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

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

25 (2) [~~The department shall implement the training~~
26 ~~program before the date that the registry is operational and shall~~]
27 conduct the training described by Subdivision (1) on an ongoing

1 basis for new employees.

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

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

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

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

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

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

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

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

25 (q) Except as provided by Subsection (p), the nonprofit
26 organization administering the registry may accept voluntary
27 donations of money and perform fund-raising on behalf of the

1 registry for the purpose of supporting registering donors.

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

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

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

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

22 (1) add a link from the department's Internet website
23 to the Donate Life-Texas [~~Donor Education, Awareness, and~~] Registry
24 operated [~~Program of Texas established~~] under Chapter 692A [49],
25 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 SECTION 4. Section 521.148(c), Transportation Code, is
3 amended to read as follows:

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

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

11 (c) Donor registry information shall be provided to the
12 department and the Texas Department of Transportation by organ
13 procurement organizations, tissue banks, or eye banks, as those
14 terms are defined in Section 692A.002, Health and Safety Code, or by
15 the [~~Glenda Dawson~~] Donate Life-Texas Registry operated
16 [~~established~~] under Chapter 692A, Health and Safety Code. The
17 department, with expert input and support from the nonprofit
18 organization administering the Donate Life-Texas Registry [~~Texas~~
19 ~~Organ, 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 692A.005, 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 nonprofit organization selected [~~by the~~
6 ~~commissioner of state health services~~] under Section 692A.020,
7 Health and Safety Code, for inclusion in the statewide
8 Internet-based registry of organ, tissue, and eye donors and for
9 release to procurement organizations by specifically asking each
10 applicant only the question, "Would you like to register as an organ
11 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 Donate Life-Texas [~~Donor Education, Awareness, and~~] Registry
7 operated [~~Program of Texas, established~~] under Chapter 692A [~~49~~],
8 Health and Safety Code, [~~and, subject to Section 113.104, Health~~
9 ~~and Safety Code, of the Texas Organ, Tissue, and Eye Donor Council,~~
10 ~~established under Chapter 113, Health and Safety Code,~~] if the
11 person applying for, renewing, or changing a license opts to pay the
12 additional fee. The department shall remit fees collected under
13 this subsection to the comptroller, who shall maintain the identity
14 of the source of the fees. Subject to appropriation, the department
15 may retain three percent of the money collected under this
16 subsection to cover the costs in administering this subsection.

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

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

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

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

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

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

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

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

25 (b) On January 1, 2012:

26 (1) the Texas Organ, Tissue, and Eye Donor Council
27 established under Chapter 113, Health and Safety Code, is

1 abolished;

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

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

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

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

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

20 (7) the unexpended and unobligated balance of any
21 money appropriated by the legislature for the Glenda Dawson Donate
22 Life-Texas Registry may be used by the Department of State Health
23 Services for the Donate Life-Texas Registry; and

24 (8) the Department of State Health Services shall
25 transfer all information formerly maintained by the Glenda Dawson
26 Donate Life-Texas Registry to the nonprofit organization
27 administering the Donate Life-Texas Registry under Section

1 692A.020, Health and Safety Code, as amended by this Act, for use in
2 the Donate Life-Texas Registry created by Section 692A.020, Health
3 and Safety Code, as amended by this Act.

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

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

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

9 (2) Sections 502.1745, 502.189, 521.148, 521.401,
10 521.402, 521.421, 521.422, and 522.034, Transportation Code, as
11 amended by this Act.