

1-1 By: Zerwas (Senate Sponsor - Zaffirini) H.B. No. 2904
1-2 (In the Senate - Received from the House April 20, 2011;
1-3 April 26, 2011, read first time and referred to Committee on Health
1-4 and Human Services; May 16, 2011, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 7,
1-6 Nays 0; May 16, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2904 By: Rodriguez

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

1-10 relating to the administration of the Glenda Dawson Donate
1-11 Life-Texas Registry.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 692A.020, Health and Safety Code, is
1-14 amended to read as follows:

1-15 Sec. 692A.020. GLENDA DAWSON DONATE LIFE-TEXAS REGISTRY;
1-16 EDUCATION PROGRAM. (a) The department shall contract with a
1-17 nonprofit organization to maintain a statewide donor registry, to
1-18 ~~[In this section, "registry program" means the donor education,~~
1-19 ~~awareness, and registry program established under this section and~~
1-20 ~~known as the Glenda Dawson Donate Life-Texas Registry.~~

1-21 ~~[(b) Any program or component of a program that the~~
1-22 ~~department develops under this chapter shall]~~ be known as the
1-23 Glenda Dawson Donate Life-Texas Registry.

1-24 (b) The nonprofit organization administering the registry
1-25 must include representatives from each ~~[(c) The department shall~~
1-26 ~~affiliate with an entity, such as a national or state association~~
1-27 ~~concerned with organ donation, to promote the registry program in~~
1-28 ~~accordance with this section.~~

1-29 ~~[(d) In consultation with the Department of Public Safety~~
1-30 ~~and] organ procurement organization in this state [organizations,~~
1-31 ~~the department shall establish the Glenda Dawson Donate Life-Texas~~
1-32 ~~Registry].~~

1-33 (c) ~~[(e)]~~ The department shall require the nonprofit
1-34 organization with which the department has contracted to administer
1-35 the statewide donor registry to establish and maintain ~~[enter into~~
1-36 ~~an agreement with an organization selected by the commissioner~~
1-37 ~~under a competitive proposal process for the establishment and~~
1-38 ~~maintenance of] a statewide Internet-based registry of organ,~~
1-39 ~~tissue, and eye donors[. Contingent on the continued availability~~
1-40 ~~of appropriations under Subsection (k), the term of the initial~~
1-41 ~~agreement is two years and may be renewed for two-year terms~~
1-42 ~~thereafter unless terminated in a written notice to the other party~~
1-43 ~~by the department or organization not later than the 180th day~~
1-44 ~~before the last day of a term].~~

1-45 (d) ~~[(f)]~~ The Department of Public Safety at least monthly
1-46 shall electronically transfer to the nonprofit organization under
1-47 contract with the department ~~[selected by the commissioner as~~
1-48 ~~provided by Subsection (e)] the name, date of birth, driver's~~
1-49 ~~license number, most recent address, and any other relevant~~
1-50 ~~information in the possession of the Department of Public Safety~~
1-51 ~~for any person who indicates on the person's driver's license~~
1-52 ~~application under Section 521.401, Transportation Code, that the~~
1-53 ~~person would like to make an anatomical gift [and consents in~~
1-54 ~~writing to the release of the information by the Department of~~
1-55 ~~Public Safety to the organization for inclusion in the~~
1-56 ~~Internet-based registry].~~

1-57 (e) ~~[(g)]~~ The contract between the department and the
1-58 nonprofit organization administering the registry ~~[selected by the~~
1-59 ~~commissioner as provided by Subsection (e)] must require the~~
1-60 ~~organization to:~~

1-61 (1) make information obtained from the Department of
1-62 Public Safety under Subsection (d) ~~[(f)]~~ available to procurement
1-63 organizations;

2-1 (2) allow potential donors to submit information in
 2-2 writing directly to the organization for inclusion in the
 2-3 Internet-based registry;

2-4 (3) maintain the Internet-based registry in a manner
 2-5 that allows procurement organizations to immediately access organ,
 2-6 tissue, and eye donation information 24 hours a day, seven days a
 2-7 week through electronic and telephonic methods; and

2-8 (4) protect the confidentiality and privacy of the
 2-9 individuals providing information to the Internet-based registry,
 2-10 regardless of the manner in which the information is provided.

2-11 (f) ~~[(h)]~~ Except as otherwise provided by Subsection (e)(3)
 2-12 ~~[(g)(3)]~~ or this subsection, the Department of Public Safety, the
 2-13 nonprofit organization under contract to administer the registry
 2-14 ~~[selected by the commissioner under Subsection (e)]~~, or a
 2-15 procurement organization may not sell, rent, or otherwise share any
 2-16 information provided to the Internet-based registry. A procurement
 2-17 organization may share any information provided to the registry
 2-18 with an organ procurement organization or a health care provider or
 2-19 facility providing medical care to a potential donor as necessary
 2-20 to properly identify an individual at the time of donation.

2-21 (g) ~~[(i)]~~ The Department of Public Safety, the nonprofit
 2-22 organization [selected by the commissioner] under contract with the
 2-23 department to administer the registry [Subsection (e)], or the
 2-24 procurement organizations may not use any demographic or specific
 2-25 data provided to the Internet-based registry for any fund-raising
 2-26 activities. Data may only be transmitted from the selected
 2-27 organization to procurement organizations through electronic and
 2-28 telephonic methods using secure, encrypted technology to preserve
 2-29 the integrity of the data and the privacy of the individuals
 2-30 providing information.

2-31 (h) ~~[(j)]~~ In each office authorized to issue driver's
 2-32 licenses or personal identification certificates, the Department
 2-33 of Public Safety shall make available educational materials
 2-34 developed by the nonprofit organization administering the registry
 2-35 ~~[Texas Organ, Tissue, and Eye Donor Council established under~~
 2-36 ~~Chapter 113, as added by Chapter 1186, Acts of the 79th Legislature,~~
 2-37 ~~Regular Session, 2005].~~

2-38 (i) ~~[(k)]~~ The Department of Public Safety shall remit to the
 2-39 comptroller the money collected under Sections 521.421(g) and
 2-40 521.422(c), Transportation Code, as provided by those subsections.
 2-41 A county assessor-collector shall remit to the comptroller any
 2-42 money collected under Section 502.1745, Transportation Code, as
 2-43 provided by that section. Money remitted to the comptroller in
 2-44 accordance with those sections that is appropriated to the
 2-45 department shall be disbursed to the nonprofit organization
 2-46 administering the registry under this section under the terms of
 2-47 the contract between the department and the organization [must be
 2-48 spent in accordance with the priorities established by the
 2-49 department in consultation with the Texas Organ, Tissue, and Eye
 2-50 Donor Council] to pay the costs of:

2-51 (1) maintaining, operating, and updating the
 2-52 Internet-based registry and establishing procedures for an
 2-53 individual to be added to the registry; ~~and]~~

2-54 (2) designing and distributing educational materials
 2-55 for prospective donors as required under this section; ~~and[-]~~

2-56 (3) providing ~~[(1) Any additional money over the~~
 2-57 ~~amount necessary to accomplish the purposes of Subsections (k)(1)~~
 2-58 ~~and (2) may be used by the department to provide]~~ education under
 2-59 this chapter ~~[or may be awarded using a competitive grant process to~~
 2-60 ~~organizations to conduct organ, eye, and tissue donation education~~
 2-61 ~~activities in this state. A member of the Texas Organ, Tissue, and~~
 2-62 ~~Eye Donor Council may not receive a grant under this subsection].~~

2-63 (j) ~~[(m)]~~ The department shall require the nonprofit
 2-64 organization selected to administer the registry [under Subsection
 2-65 (e)] to submit an annual written report to the department that
 2-66 includes:

2-67 (1) the number of donors listed on the Internet-based
 2-68 registry;

2-69 (2) changes in the number of donors listed on the

3-1 registry; ~~and~~

3-2 (3) the demographic characteristics of listed donors,

3-3 to the extent the characteristics may be determined from

3-4 information provided on donor registry forms submitted by donors to

3-5 the organization; and

3-6 (4) an accounting of the use of the money disbursed

3-7 under Subsection (i) for the administration of the registry.

3-8 (k) ~~(n)~~ To the extent funds are available and as part of

3-9 the donor registry program, the department may allocate funds to

3-10 the nonprofit organization administering the registry pursuant to

3-11 the contract to ~~shall~~ educate residents about anatomical gifts.

3-12 The education provided under this section ~~program~~ shall include

3-13 information about:

3-14 (1) the laws governing anatomical gifts, including

3-15 Subchapter Q, Chapter 521, Transportation Code, Chapter 693, and

3-16 this chapter;

3-17 (2) the procedures for becoming an organ, eye, or

3-18 tissue donor or donee; and

3-19 (3) the benefits of organ, eye, or tissue donation.

3-20 (l) ~~(o)~~ In contracting for ~~developing~~ the registry

3-21 program, the department ~~[in consultation with the Texas Organ,~~

3-22 ~~Tissue, and Eye Donor Council]~~ shall solicit broad-based input

3-23 reflecting recommendations of all interested groups, including

3-24 representatives of patients, providers, ethnic groups, and

3-25 geographic regions.

3-26 (m) ~~The ~~(p)~~ In consultation with the Texas Organ, Tissue,~~

3-27 ~~and Eye Donor Council, the~~ department may require the nonprofit

3-28 organization administering the registry to:

3-29 (1) implement a training program for all appropriate

3-30 Department of Public Safety and Texas Department of Transportation

3-31 employees on the benefits of organ, tissue, and eye donation and the

3-32 procedures for individuals to be added to the Internet-based

3-33 registry; and

3-34 (2) ~~[. The department shall implement the training~~

3-35 ~~program before the date that the registry is operational and shall]~~

3-36 conduct the training described by Subdivision (1) on an ongoing

3-37 basis for new employees.

3-38 (n) ~~(q)~~ The department may require the nonprofit

3-39 organization administering the registry to ~~shall~~ develop a

3-40 program to educate health care providers and attorneys in this

3-41 state about anatomical gifts.

3-42 (o) ~~(r)~~ The department ~~[through the program]~~ shall

3-43 require the nonprofit organization administering the registry to

3-44 encourage:

3-45 (1) attorneys to provide organ donation information to

3-46 clients seeking advice for end-of-life decisions; ~~[-]~~

3-47 (2) ~~[(s) The department shall encourage]~~ medical and

3-48 nursing schools in this state to include mandatory organ donation

3-49 education in the schools' curricula; and ~~[-]~~

3-50 (3) ~~[(t) The department shall encourage]~~ medical

3-51 schools in this state to require a physician in a neurology or

3-52 neurosurgery residency program to complete an advanced course in

3-53 organ donation education.

3-54 (p) The nonprofit organization administering the registry

3-55 may not:

3-56 (1) charge any fee for costs related to the operation

3-57 and maintenance of the registry, except as agreed in the contract

3-58 with the department; or

3-59 (2) use the registry to solicit voluntary donations of

3-60 money from a registrant.

3-61 (q) Except as provided by Subsection (p), the nonprofit

3-62 organization administering the registry may accept voluntary

3-63 donations of money and perform fund-raising on behalf of the

3-64 registry for the purpose of supporting registering donors.

3-65 SECTION 2. Section 502.1745(b), Transportation Code, is

3-66 amended to read as follows:

3-67 (b) A county assessor-collector shall collect an additional

3-68 fee of \$1 for the registration or renewal of registration of a motor

3-69 vehicle to pay the costs of the Glenda Dawson Donate Life-Texas

4-1 ~~[Donor Education, Awareness, and]~~ Registry ~~[Program of Texas,]~~
 4-2 established under Chapter 692A ~~[49]~~, Health and Safety Code, ~~[and~~
 4-3 ~~of the Texas Organ, Tissue, and Eye Donor Council, established~~
 4-4 ~~under Chapter 113, Health and Safety Code,]~~ if the person
 4-5 registering or renewing the registration of a motor vehicle opts to
 4-6 pay the additional fee. Notwithstanding any other provision of
 4-7 this chapter, the county assessor-collector shall remit all fees
 4-8 collected under this subsection to the comptroller, who shall
 4-9 maintain the identity of the source of the fees.

4-10 SECTION 3. Section 502.189(a), Transportation Code, is
 4-11 amended to read as follows:

4-12 (a) The department, with expert input and support from the
 4-13 nonprofit organization administering the Glenda Dawson Donate
 4-14 Life-Texas Registry under Chapter 692A, Health and Safety Code
 4-15 ~~[Texas Organ, Tissue, and Eye Donor Council]~~, shall:

4-16 (1) add a link from the department's Internet website
 4-17 to the Glenda Dawson Donate Life-Texas ~~[Donor Education, Awareness,~~
 4-18 ~~and]~~ Registry operated ~~[Program of Texas established]~~ under Chapter
 4-19 692A [49], Health and Safety Code; and

4-20 (2) provide a method to distribute donor registry
 4-21 information to interested individuals in each office authorized to
 4-22 issue motor vehicle registrations.

4-23 SECTION 4. Section 521.148(c), Transportation Code, is
 4-24 amended to read as follows:

4-25 (c) When the department issues a license to which this
 4-26 section applies, the department shall provide the person to whom
 4-27 the license is issued with written information about the Glenda
 4-28 Dawson Donate Life-Texas Registry operated ~~[program established]~~
 4-29 under Chapter 692A [49], Health and Safety Code.

4-30 SECTION 5. Section 521.401, Transportation Code, is amended
 4-31 by amending Subsection (c) and adding Subsection (c-1) to read as
 4-32 follows:

4-33 (c) Donor registry information shall be provided to the
 4-34 department and the Texas Department of Transportation by organ
 4-35 procurement organizations, tissue banks, or eye banks, as those
 4-36 terms are defined in Section 692A.002, Health and Safety Code, or by
 4-37 the Glenda Dawson Donate Life-Texas Registry operated
 4-38 ~~[established]~~ under Chapter 692A, Health and Safety Code. The
 4-39 department, with expert input and support from the nonprofit
 4-40 organization administering the Glenda Dawson Donate Life-Texas
 4-41 Registry ~~[Texas Organ, Tissue, and Eye Donor Council]~~, shall:

4-42 (1) provide to each applicant for the issuance of an
 4-43 original, renewal, corrected, or duplicate driver's license or
 4-44 personal identification certificate who applies in person, by mail,
 4-45 over the Internet, or by other electronic means:

4-46 (A) the opportunity to indicate on the person's
 4-47 driver's license or personal identification certificate that the
 4-48 person is willing to make an anatomical gift, in the event of death,
 4-49 in accordance with Section 692A.005, Health and Safety Code; and

4-50 (B) an opportunity for the person to consent ~~[in~~
 4-51 ~~writing]~~ to ~~[the department's provision of the person's name, date~~
 4-52 ~~of birth, driver's license number, most recent address, and other~~
 4-53 ~~information needed for identification purposes at the time of~~
 4-54 ~~donation to the organization selected by the commissioner of state~~
 4-55 ~~health services under Section 692A.020, Health and Safety Code,~~
 4-56 ~~for]~~ inclusion in the statewide Internet-based registry of organ,
 4-57 tissue, and eye donors and ~~[for]~~ release to procurement
 4-58 organizations in the manner provided by Subsection (c-1) ~~[by~~
 4-59 ~~specifically asking each applicant only the question, "Would you~~
 4-60 ~~like to register as an organ donor?"]~~; and

4-61 (2) provide a means to distribute donor registry
 4-62 information to interested individuals in each office authorized to
 4-63 issue driver's licenses or personal identification certificates.

4-64 (c-1) The department shall:

4-65 (1) specifically ask each applicant only the question,
 4-66 "Would you like to register as an organ donor?"; and

4-67 (2) if the applicant responds affirmatively to the
 4-68 question asked under Subdivision (1), provide the person's name,
 4-69 date of birth, driver's license number, most recent address, and

5-1 other information needed for identification purposes at the time of
 5-2 donation to the nonprofit organization contracted to maintain the
 5-3 statewide donor registry under Section 692A.020, Health and Safety
 5-4 Code, for inclusion in the registry.

5-5 SECTION 6. Section 521.402(c), Transportation Code, is
 5-6 amended to read as follows:

5-7 (c) To have a person's name deleted from the statewide
 5-8 Internet-based registry of organ, tissue, and eye donors maintained
 5-9 as provided by Chapter 692A [49], Health and Safety Code, a person
 5-10 must provide written notice to the nonprofit organization selected
 5-11 [by the commissioner of state health services] under that chapter
 5-12 to maintain the registry directing the deletion of the person's
 5-13 name from the registry. On receipt of a written notice under this
 5-14 subsection, the organization shall promptly remove the person's
 5-15 name and information from the registry.

5-16 SECTION 7. Section 521.421(g), Transportation Code, is
 5-17 amended to read as follows:

5-18 (g) The department shall collect an additional fee of \$1 for
 5-19 the issuance or renewal of a license, including a duplicate
 5-20 license, a license issued to reflect an additional authorization or
 5-21 a change in classification, or a license issued or renewed over the
 5-22 Internet or by other electronic means, to pay the costs of the
 5-23 Glenda Dawson Donate Life-Texas [Donor Education, Awareness, and]
 5-24 Registry operated [Program of Texas, established] under Chapter
 5-25 692A [49], Health and Safety Code, [and, subject to Section
 5-26 113.104, Health and Safety Code, of the Texas Organ, Tissue, and Eye
 5-27 Donor Council, established under Chapter 113, Health and Safety
 5-28 Code,] if the person applying for, renewing, or changing a license
 5-29 opts to pay the additional fee. The department shall remit fees
 5-30 collected under this subsection to the comptroller, who shall
 5-31 maintain the identity of the source of the fees. Subject to
 5-32 appropriation, the department may retain three percent of the money
 5-33 collected under this subsection to cover the costs in administering
 5-34 this subsection.

5-35 SECTION 8. Section 521.422(c), Transportation Code, is
 5-36 amended to read as follows:

5-37 (c) The department shall collect an additional fee of \$1 for
 5-38 the issuance or renewal of a personal identification card,
 5-39 including a duplicate personal identification card or a personal
 5-40 identification card issued or renewed over the Internet or by other
 5-41 electronic means, to pay the costs of the Glenda Dawson Donate
 5-42 Life-Texas [Donor Education, Awareness, and] Registry [Program of
 5-43 Texas,] established under Chapter 692A [49], Health and Safety
 5-44 Code, [and, subject to Section 113.104, Health and Safety Code, of
 5-45 the Texas Organ, Tissue, and Eye Donor Council, established under
 5-46 Chapter 113, Health and Safety Code,] if the person applying for or
 5-47 renewing a personal identification card opts to pay the additional
 5-48 fee. The department shall remit fees collected under this
 5-49 subsection to the comptroller, who shall maintain the identity of
 5-50 the source of the fees. Subject to appropriation, the department
 5-51 may retain three percent of the money collected under this
 5-52 subsection to cover the costs in administering this subsection.

5-53 SECTION 9. Section 522.034(c), Transportation Code, is
 5-54 amended to read as follows:

5-55 (c) When the department issues a license or permit to which
 5-56 this section applies, the department shall provide the person to
 5-57 whom the license is issued with written information about the
 5-58 Glenda Dawson Donate Life-Texas Registry program established under
 5-59 Chapter 692A [49], Health and Safety Code.

5-60 SECTION 10. (a) Chapter 113, Health and Safety Code, is
 5-61 repealed.

5-62 (b) Section 49.002(m), Health and Safety Code, as amended by
 5-63 Chapter 831 (S.B. 1803), Acts of the 81st Legislature, Regular
 5-64 Session, 2009, is repealed.

5-65 SECTION 11. (a) Not later than January 1, 2012, the
 5-66 Department of State Health Services shall enter into a contract
 5-67 with a nonprofit organization to administer the Glenda Dawson
 5-68 Donate Life-Texas Registry under Section 692A.020, Health and
 5-69 Safety Code, as amended by this Act.

6-1 (b) On January 1, 2012:
6-2 (1) the Texas Organ, Tissue, and Eye Donor Council
6-3 established under Chapter 113, Health and Safety Code, is
6-4 abolished;
6-5 (2) all property in the custody of the Texas Organ,
6-6 Tissue, and Eye Donor Council is transferred to the Department of
6-7 State Health Services;
6-8 (3) the unexpended and unobligated balance of any
6-9 money appropriated by the legislature for the Texas Organ, Tissue,
6-10 and Eye Donor Council is transferred to the Department of State
6-11 Health Services;
6-12 (4) all money, contracts, leases, rights, and
6-13 obligations of the Texas Organ, Tissue, and Eye Donor Council are
6-14 transferred to the Department of State Health Services;
6-15 (5) the Glenda Dawson Donate Life-Texas Registry, as
6-16 established by Section 692A.020, Health and Safety Code, as it
6-17 existed immediately before January 1, 2012, is abolished;
6-18 (6) all property in the custody of any organization
6-19 selected under Section 692A.020(e), Health and Safety Code, as that
6-20 section existed immediately before January 1, 2012, in relation to
6-21 the operation of the Glenda Dawson Donate Life-Texas Registry is
6-22 transferred to the Department of State Health Services;
6-23 (7) the unexpended and unobligated balance of any
6-24 money attributable to voluntary fees collected under Section
6-25 502.1745, 521.421(g), or 521.422(c), Transportation Code, for the
6-26 Glenda Dawson Donate Life-Texas Registry as it existed immediately
6-27 before January 1, 2012, may be used by the Department of State
6-28 Health Services for contracts relating to the Glenda Dawson Donate
6-29 Life-Texas Registry under Section 692A.020, Health and Safety Code,
6-30 as amended by this Act; and
6-31 (8) the Department of State Health Services shall
6-32 transfer all information formerly maintained by the Glenda Dawson
6-33 Donate Life-Texas Registry, as it existed immediately before
6-34 January 1, 2012, to the nonprofit organization administering the
6-35 Glenda Dawson Donate Life-Texas Registry under Section 692A.020,
6-36 Health and Safety Code, as amended by this Act, for use in the
6-37 Glenda Dawson Donate Life-Texas Registry created by Section
6-38 692A.020, Health and Safety Code, as amended by this Act.
6-39 SECTION 12. (a) Except as provided by Subsection (b), this
6-40 Act takes effect September 1, 2011.
6-41 (b) The following provisions take effect January 1, 2012:
6-42 (1) Section 692A.020, Health and Safety Code, as
6-43 amended by this Act; and
6-44 (2) Sections 502.1745, 502.189, 521.148, 521.401,
6-45 521.402, 521.421, 521.422, and 522.034, Transportation Code, as
6-46 amended by this Act.

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