

House Bill 2904
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

(c) [(e)] The department shall require the nonprofit organization with which the department has contracted to administer the statewide donor registry to establish and maintain ~~[enter into an agreement with an organization selected by the commissioner under a competitive proposal process for the establishment and maintenance of] a statewide Internet-based registry of organ, tissue, and eye donors[- Contingent on the continued availability of appropriations under Subsection (k), the term of the initial agreement is two years and may be renewed for two year terms thereafter unless terminated in a written notice to the other party by the~~

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~~department or organization not later than the 180th day before the last day of a term].~~

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

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

- (1) make information obtained from the Department of Public Safety under Subsection (d) [(f)] available to procurement organizations;
- (2) allow potential donors to submit information in writing directly to the organization for inclusion in the Internet-based registry;
- (3) maintain the Internet-based registry in a manner that allows procurement organizations to immediately access organ, tissue, and eye donation information 24 hours a day, seven days a week through electronic and telephonic methods; and
- (4) protect the confidentiality and privacy of the individuals providing information to the Internet-based registry, regardless of the manner in which the information is provided.

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

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

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

(i) [(k)] The Department of Public Safety shall remit to the comptroller the money collected under Sections 521.421(g) and 521.422(c), Transportation Code, as provided by those subsections. A county assessor-collector shall remit to the

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comptroller any money collected under Section 502.1745, Transportation Code, as provided by that section. Money remitted to the comptroller in accordance with those sections that is appropriated to the department shall be disbursed to the nonprofit organization administering the registry under this section under the terms of the contract between the department and the organization [~~must be spent in accordance with the priorities established by the department in consultation with the Texas Organ, Tissue, and Eye Donor Council~~] to pay the costs of:

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

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

(3) providing [(4) ~~Any additional money over the amount necessary to accomplish the purposes of Subsections (k)(1) and (2) may be used by the department to provide~~] education under this chapter [~~or may be awarded using a competitive grant process to organizations to conduct organ, eye, and tissue donation education activities in this state. A member of the Texas Organ, Tissue, and Eye Donor Council may not receive a grant under this subsection~~].

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

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

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

(3) the demographic characteristics of listed donors, to the extent the characteristics may be determined from information

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provided on donor registry forms submitted by donors to the organization; and

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

(k) [(n)] To the extent funds are available and as part of the donor registry program, the department may allocate funds to the nonprofit organization administering the registry pursuant to the contract to [shall] educate residents about anatomical gifts. The education provided under this section [program] shall include information about:

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

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

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

(l) [(o)] In contracting for [developing] the registry program, the department [in consultation with the Texas Organ, Tissue, and Eye Donor Council] shall solicit broad-based input reflecting recommendations of all interested groups, including representatives of patients, providers, ethnic groups, and geographic regions.

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

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

(2)[. The department shall implement the training program before the date that the registry is operational and shall]

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

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

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

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

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

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

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

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

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

(q) Except as provided by Subsection (p), the nonprofit organization administering the registry may accept voluntary donations of money and perform fund-raising on behalf of the registry for the purpose of supporting registering donors.

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

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amended to read as follows:

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

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

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

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

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

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

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

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

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

(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, Health and Safety Code; and

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

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

(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, Health and Safety Code; and

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(B) an opportunity for the person to consent [~~in writing~~] to [~~the department'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.

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

(c) To have a person's name deleted from the statewide Internet-based registry of organ, tissue, and eye donors

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(B) an opportunity for the person to consent [~~in writing~~] to [~~the department'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 in the manner provided by Subsection (c-1) [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) The department shall:

(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 nonprofit organization contracted to maintain the statewide donor registry under Section 692A.020, Health and Safety Code, for inclusion in the registry.

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maintained as provided by Chapter 692A [49], Health and Safety Code, a person must provide written notice to the ~~nonprofit~~ organization selected [~~by the commissioner of state health services~~] under that chapter to maintain the registry directing the deletion of the person's name from the registry. On receipt of a written notice under this subsection, the organization shall promptly remove the person's name and information from the registry.

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

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

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

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

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

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

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

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repealed.

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

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

(b) On January 1, 2012:

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

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

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

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

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

(6) all property in the custody of any organization selected under Section 692A.020(e), Health and Safety Code, as that section existed immediately before January 1, 2012, in relation to the operation of the Glenda Dawson Donate Life-

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Texas Registry is transferred to the Department of State Health Services;

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

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

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

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

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

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

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SECTION 12. Same as House version.