

## BILL ANALYSIS

Senate Research Center  
83R12751 AJZ-F

S.B. 1815  
By: Zaffirini  
Transportation  
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As Filed

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, when Texans register as organ donors (via the Department of Public Safety of the state of Texas (DPS) and the Texas Department of Motor Vehicles (TxDMV)) they are given the option to donate \$1 to Donate Life Texas. The money is sent to the comptroller of public accounts of the State of Texas and to the Department of State Health Services (DSHS). At this time, DSHS determines how that money will be used based on its contractual agreement with Donate Life Texas.

This bill allows the voluntarily donated dollars to go directly to Donate Life Texas from DPS or TxDMV, minus a pre-determined amount for administrative expenses, as the donors intended as opposed to going through DSHS first. This allows the Donate Life-Texas Registry to be managed utilizing nationally recognized best practices to maximize the numbers of Texans registering and the number of Texans receiving transplants.

In 2011, the legislature passed H.B. 2904, relating to the administration of the Glenda Dawson Donate Life-Texas Registry. It required DSHS to contract with a nonprofit organization (the state chose Donate Life Texas), which is federally certified, to administer the registry in order to bring attention to the growing need for organ and tissue donors in Texas and to make the Glenda Dawson Donate Life-Texas Registry a more effective tool in registering citizens of Texas to become organ, tissue, and eye donors, while also reducing the cost to state government of operating the registry.

As a result of Donate Life Texas managing and promoting the registry, a new partnership with DPS and TxDMV developed and outstanding progress is being made in increasing organ donor registrations. The support Donate Life Texas has received from DPS has allowed them to train DPS's new employees and is making a huge impact as evidenced by the high number of donor registrations.

Other states have allowed donated dollars to go directly to the Donate Life program so that they can be used in the most effective manner possible to increase registrations. Donate Life Texas, DPS, and TxDMV would like to do the same in Texas so they can work more closely without the restrictions on the money DSHS must impose due to state contract terms and conditions.

As proposed, S.B. 1815 amends current law relating to voluntary donations to the Glenda Dawson Donate Life-Texas Registry.

### 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 Sections 692A.020(a), (c), (d), (e), (f), (g), (i), (k), (m), (n), (o), and (p), Health and Safety Code, as follows:

- (a) Requires a nonprofit organization designated by the Department of State Health Services (DSHS), rather than requiring DSHS to contract with a nonprofit organization,

to maintain and administer a statewide donor registry, to be known as the Glenda Dawson Donate Life-Texas Registry (registry).

(c) Requires the nonprofit organization to establish and maintain a statewide Internet-based registry of organ, tissue, and eye donors. Deletes existing text requiring DSHS to require the nonprofit organization with which DSHS has contracted to administer the statewide donor registry to establish and maintain said statewide Internet-based registry.

(d) Requires the Department of Public Safety of the state of Texas (DPS) at least monthly to electronically transfer to the nonprofit organization administering the registry, rather than the nonprofit organization under contract with DSHS, the name date of birth, driver's license number, most recent address, and any other relevant information in the possession of DPS for any person who indicates on the person's driver's license application under Section 521.401 (Statement of Gift), Transportation Code, that the person would like to make an anatomical gift.

(e) Requires the nonprofit organization administering the registry, rather than requiring that the contract between DSHS and the nonprofit organization administering the registry require the nonprofit organization, to:

(1) make information obtained from DPS under Subsection (d) available to procurement organizations;

(2) allow potential donors to submit information in writing directly to the nonprofit 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.

(f)-(g) Changes references to the nonprofit organization under contract to administer the registry to the nonprofit organization administering the registry.

(i) Provides that Glenda Dawson Donate Life-Texas Registry fund (fund) is created as a trust fund outside the state treasury to be held by the comptroller of public accounts of the state of Texas (comptroller) and administered by DSHS as trustee on behalf of the statewide donor registry maintained for the benefit of the citizens of this state. Provides that the fund is composed of money deposited to the credit of the fund under Sections 502.405(b), 521.008, 521.421(g) (relating to requiring DSHS to collect a certain additional fee to pay the costs of the registry), and 521.422(c) (relating to requiring DSHS to collect a certain additional fee to pay the costs of the registry), Transportation Code, as provided by those subsections. Requires that money in the fund be disbursed at least monthly, without appropriation, to the nonprofit organization administering the registry to pay certain costs. Deletes existing text requiring DPS to remit to the comptroller the money collected under Sections 521.421(g) and 521.422(c), Transportation Code, as provided by those subsections. Deletes existing text requiring a county assessor-collector to remit to the comptroller any money collected under Section 502.1745 [redesignated as existing Section 502.405 (Donor Education, Awareness, and Registry Program)], Transportation Code, as provided by that section. Deletes existing text requiring that money remitted to the comptroller in accordance with those sections that is appropriated to DSHS be disbursed to the nonprofit organization administering the registry under this section under the terms of the contract between DSHS and the nonprofit organization to pay certain costs.

(k) Authorizes the nonprofit organization administering the registry, to the extent funds are available and as part of the donor registry program, to educate residents about anatomical gifts. Deletes existing text authorizing DSHS, to the extent funds are available and as part of the donor registry program, to allocate funds to the nonprofit organization administering the registry pursuant to the contract to educate residents about anatomical gifts.

(m) Authorizes the nonprofit organization administering the registry, rather than authorizing DSHS to require the nonprofit organization administering the registry, to:

(1) implement a training program for all appropriate DPS 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) conduct the training described by Subdivision (1) on an ongoing basis for new employees.

(n) Authorizes the nonprofit organization administering the registry, rather than authorizing DSHS to require the nonprofit organization administering the registry, to develop a program to educate health care providers and attorneys in this state about anatomical gifts.

(o) Requires the nonprofit organization administering the registry, rather than requiring DSHS to 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) medical and nursing schools in this state to include mandatory organ donation education in the schools' curricula; and

(3) 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) Prohibits the nonprofit organization administering the registry from using the registry to solicit voluntary donations of money from a registrant. Deletes existing text prohibiting the nonprofit organization administering the registry from charging any fee for costs related to the operation and maintenance of the registry, except as agreed in the contract with DSHS.

SECTION 2. Reenacts Section 502.405(b), Transportation Code, as redesignated from Section 502.1745(b), Transportation Code, by Chapter 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, to incorporate amendments to Section 502.1745(b), Transportation Code, made by Chapters 554 (H.B. 2904) and 1296 (H.B. 2357), Acts of the 82nd Legislature, Regular Session, 2011, and amends it as follows:

(b) Authorizes a person, when a person applies for the registration or renewal of registration of a motor vehicle, to elect to contribute \$1 to the nonprofit organization administering the registry established under Chapter 692A (Revised Uniform Anatomical Gift Act), Health and Safety Code. Requires the county assessor-collector to remit any contribution paid under this subsection to the comptroller for deposit to the credit of the fund created under Section 692A.020, Health and Safety Code. Authorizes the county assessor-collector, before sending the money to the comptroller, to deduct money equal to the amount of reasonable expenses for administering this subsection, not to exceed five percent of the money collected under this subsection. Authorizes money received under this subsection by the organization to be used only to manage the organization's registry, provide donor education, and promote donor awareness. Requires the organization to submit an annual report to the legislature and the comptroller that includes the total dollar amount of money received by the organization under this subsection. Authorizes the

county assessor-collector, if a person makes a contribution under this section and does not pay the full amount of the registration fee, to credit all or a portion of the contribution to the person's registration fee. Requires the Texas Department of Motor Vehicles (TxDMV) to:

- (1) include space on each motor vehicle registration renewal notice, on the page that states the total fee for registration renewal, that allows a person renewing a registration to voluntarily contribute \$1 to the organization; and
- (2) provide an opportunity for a person to contribute \$1 to the organization during the registration renewal process on the TxDMV 's Internet website.

Deletes existing text authorizing a person to elect to pay an additional fee of \$1 for the registration or renewal of the registration of a motor vehicle to pay the costs of the fund created under Section 692A, Health and Safety Code. Deletes existing text requiring that all fees collected under this subsection, notwithstanding any other provision of this chapter, be remitted to the comptroller, who is required to maintain the identity of the source of the fees.

SECTION 3. Amends Subchapter A, Chapter 521, Transportation Code, by adding Section 521.008, as follows:

Sec. 521.008. VOLUNTARY CONTRIBUTION TO DONOR REGISTRY. (a) Authorizes a person, when the person applies for an original or renewal driver's license under this chapter, to contribute \$1 to the nonprofit organization administering the registry under Chapter 692A, Health and Safety Code.

(b) Requires DPS to:

- (1) include space on each application for a new or renewal driver's license that allows a person applying for a new or renewal driver's license to indicate that the person is voluntarily contributing \$1 to the organization; and
- (2) provide an opportunity for the person to contribute \$1 to the organization during the application process for a new or renewal driver's license on the DPS's Internet website.

(c) Requires DPS to remit any contribution made under this section to the comptroller for deposit to the credit of the fund created under Section 692A.020, Health and Safety Code. Authorizes DPS, before sending the money to the comptroller, to deduct money equal to the amount of reasonable expenses for administering this section, not to exceed five percent of the money collected under this section.

(d) Requires the nonprofit organization to submit an annual report to the director of DPS that includes the total dollar amount of contributions received by the organization under this section.

SECTION 4. Amends Section 521.422(c), Transportation Code, as follows:

(c) Authorizes a person, when the person applies 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 elect to contribute \$1 to the nonprofit organization administering the registry established under Chapter 692A, Health and Safety Code. Requires DPS to remit any contribution paid under this subsection to the comptroller for deposit to the credit of the fund created under Section 692A.020, Health and Safety Code. Authorizes DPS, before sending the money to the comptroller, to deduct money equal to the amount of reasonable expenses for administering this subsection, not to exceed five percent of the money

collected under this subsection. Requires the nonprofit organization to submit an annual report to the director of DPS that includes the total dollar amount of money received by the nonprofit organization under this subsection. Deletes existing text requiring DPS to 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 registry established under Chapter 692A, Health and Safety Code, if the person applying for or renewing a personal identification card opts to pay the additional fee. Deletes existing text requiring DPS to remit fees collected under this subsection to the comptroller, who is required to maintain the identity of the source of the fees. Deletes existing text authorizing DPS, subject to appropriation, to retain three percent of the money collected under this subsection to cover the costs in administering this subsection.

SECTION 5. Repealers: Sections 692A.020(j) (relating to requiring the nonprofit organization administering the registry to submit a report to DSHS that includes certain information) and (l) (relating to requiring DSHS to solicit certain input in contracting for the registry program), Health and Safety Code.

SECTION 6. Provides that Section 521.008, Transportation Code, as added by this Act, applies to a driver's license issued or renewed on or after January 1, 2014.

SECTION 7. Provides that this Act, to the extent of any conflict, prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 8. Effective date: upon passage or September 1, 2013.