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(Zerwas, Ratliff, Taylor)

S.B. No. 1815

A BILL TO BE ENTITLED

AN ACT

relating to voluntary donations to the Glenda Dawson Donate Life-Texas Registry.

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

SECTION 1. Subsections (a), (c), (d), (e), (f), (g), (i), (k), (m), (n), (o), and (p), Section 692A.020, Health and Safety Code, are amended to read as follows:

(a) A ~~[The department shall contract with a]~~ nonprofit organization designated by the department shall ~~[to]~~ maintain and administer a statewide donor registry, to be known as the Glenda Dawson Donate Life-Texas Registry.

(c) The ~~[department shall require the]~~ nonprofit organization shall ~~[with which the department has contracted to administer the statewide donor registry to]~~ establish and maintain a statewide Internet-based registry of organ, tissue, and eye donors.

(d) The Department of Public Safety at least monthly shall electronically transfer to the nonprofit organization administering the registry ~~[under contract with the department]~~ 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

1 anatomical gift.

2 (e) The [~~contract between the department and the~~] nonprofit  
3 organization administering the registry shall [~~must require the~~  
4 ~~organization to~~]:

5 (1) make information obtained from the Department of  
6 Public Safety under Subsection (d) available to procurement  
7 organizations;

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

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

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

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

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

10 (i) The Glenda Dawson Donate Life-Texas Registry fund is  
11 created as a trust fund outside the state treasury to be held by the  
12 comptroller and administered by the department as trustee on behalf  
13 of the statewide donor registry maintained for the benefit of the  
14 citizens of this state. The fund is composed of money deposited to  
15 the credit of the fund [~~The Department of Public Safety shall remit~~  
16 ~~to the comptroller the money collected~~] under Sections 502.405(b),  
17 521.008, 521.421(g), and 521.422(c), Transportation Code, as  
18 provided by those subsections. Money in the fund [~~A county~~  
19 ~~assessor-collector shall remit to the comptroller any money~~  
20 ~~collected under Section 502.1745, Transportation Code, as provided~~  
21 ~~by that section. Money remitted to the comptroller in accordance~~  
22 ~~with those sections that is appropriated to the department~~] shall  
23 be disbursed at least monthly, without appropriation, to the  
24 nonprofit organization administering the registry [~~under this~~  
25 ~~section under the terms of the contract between the department and~~  
26 ~~the organization~~] 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;

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

5 (3) providing education under this chapter.

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

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

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

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

18 (m) The ~~[department may require the]~~ nonprofit organization  
19 administering the registry may ~~[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) conduct the training described by Subdivision (1)  
26 on an ongoing basis for new employees.

27 (n) The ~~[department may require the]~~ nonprofit organization

1 administering the registry may ~~[to]~~ develop a program to educate  
2 health care providers and attorneys in this state about anatomical  
3 gifts.

4 (o) The ~~[department shall require the]~~ nonprofit  
5 organization administering the registry shall ~~[to]~~ encourage:

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

8 (2) medical and nursing schools in this state to  
9 include mandatory organ donation education in the schools'  
10 curricula; and

11 (3) medical schools in this state to require a  
12 physician in a neurology or neurosurgery residency program to  
13 complete an advanced course in organ donation education.

14 (p) The nonprofit organization administering the registry  
15 may not ~~[+~~

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

19 ~~[(2)]~~ use the registry to solicit voluntary donations  
20 of money from a registrant.

21 SECTION 2. Subsection (b), Section 502.405, Transportation  
22 Code, as redesignated from Subsection (b), Section 502.1745,  
23 Transportation Code, by Chapter 1296 (H.B. 2357), Acts of the 82nd  
24 Legislature, Regular Session, 2011, is reenacted to incorporate  
25 amendments to Subsection (b), Section 502.1745, Transportation  
26 Code, made by Chapters 554 (H.B. 2904) and 1296 (H.B. 2357), Acts of  
27 the 82nd Legislature, Regular Session, 2011, and amended to read as

1 follows:

2           (b) When a person applies for the registration or renewal of  
3 registration of a motor vehicle, the person may elect to contribute  
4 [A person may elect to pay an additional fee of] \$1 to the nonprofit  
5 organization administering [for the registration or renewal of  
6 registration of a motor vehicle to pay the costs of] the Glenda  
7 Dawson Donate Life-Texas Registry established under Chapter 692A,  
8 Health and Safety Code. The county assessor-collector shall remit  
9 any contribution paid under this subsection to the comptroller for  
10 deposit to the credit of the Glenda Dawson Donate Life-Texas  
11 Registry fund created under Section 692A.020, Health and Safety  
12 Code. Money received under this subsection by the organization may  
13 be used only to manage the organization's registry, provide donor  
14 education, and promote donor awareness. The organization shall  
15 submit an annual report to the legislature and the comptroller that  
16 includes the total dollar amount of money received by the  
17 organization under this subsection. If a person makes a  
18 contribution under this section and does not pay the full amount of  
19 the registration fee, the county assessor-collector may credit all  
20 or a portion of the contribution to the person's registration fee.  
21 The department shall:

22                   (1) include space on each motor vehicle registration  
23 renewal notice, on the page that states the total fee for  
24 registration renewal, that allows a person renewing a registration  
25 to voluntarily contribute \$1 to the organization;

26                   (2) provide an opportunity for a person to contribute  
27 \$1 to the organization during the registration renewal process on

1 the department's Internet website; and

2 (3) provide an opportunity to contribute \$1 to the  
3 organization in any registration renewal system that succeeds the  
4 registration renewal system in place on September 1, 2013.

5 ~~[Notwithstanding any other provision of this chapter, all fees~~  
6 ~~collected under this subsection shall be remitted to the~~  
7 ~~comptroller, who shall maintain the identity of the source of the~~  
8 ~~fees.]~~

9 SECTION 3. Subchapter A, Chapter 521, Transportation Code,  
10 is amended by adding Section 521.008 to read as follows:

11 Sec. 521.008. VOLUNTARY CONTRIBUTION TO DONOR REGISTRY.

12 (a) When a person applies for an original or renewal driver's  
13 license under this chapter, the person may contribute \$1 to the  
14 nonprofit organization administering the Glenda Dawson Donate  
15 Life-Texas Registry under Chapter 692A, Health and Safety Code.

16 (b) The department shall:

17 (1) include space on each application for a new or  
18 renewal driver's license that allows a person applying for a new or  
19 renewal driver's license to indicate that the person is voluntarily  
20 contributing \$1 to the organization; and

21 (2) provide an opportunity for the person to  
22 contribute \$1 to the organization during the application process  
23 for a new or renewal driver's license on the department's Internet  
24 website.

25 (c) The department shall remit any contribution made under  
26 this section to the comptroller for deposit to the credit of the  
27 Glenda Dawson Donate Life-Texas Registry fund created under Section

1 692A.020, Health and Safety Code. Before sending the money to the  
2 comptroller, the department may deduct money equal to the amount of  
3 reasonable expenses for administering this section, not to exceed  
4 five percent of the money collected under this section.

5 (d) The organization shall submit an annual report to the  
6 director of the department that includes the total dollar amount of  
7 contributions received by the organization under this section.

8 SECTION 4. Subsection (c), Section 521.422, Transportation  
9 Code, is amended to read as follows:

10 (c) When a person applies [~~The department shall collect an~~  
11 ~~additional fee of \$1~~] for the issuance or renewal of a personal  
12 identification card, including a duplicate personal identification  
13 card or a personal identification card issued or renewed over the  
14 Internet or by other electronic means, the person may elect to  
15 contribute \$1 to the nonprofit organization administering [~~to pay~~  
16 ~~the costs of~~] the Glenda Dawson Donate Life-Texas Registry  
17 established under Chapter 692A, Health and Safety Code[, ~~if the~~  
18 ~~person applying for or renewing a personal identification card opts~~  
19 ~~to pay the additional fee. The department shall remit fees~~  
20 ~~collected under this subsection to the comptroller, who shall~~  
21 ~~maintain the identity of the source of the fees. Subject to~~  
22 ~~appropriation, the department may retain three percent of the money~~  
23 ~~collected under this subsection to cover the costs in administering~~  
24 ~~this subsection~~]. The department shall remit any contribution paid  
25 under this subsection to the comptroller for deposit to the credit  
26 of the Glenda Dawson Donate Life-Texas Registry fund created under  
27 Section 692A.020, Health and Safety Code. Before sending the money



1 to the comptroller, the department may deduct money equal to the  
2 amount of reasonable expenses for administering this subsection,  
3 not to exceed five percent of the money collected under this  
4 subsection. The organization shall submit an annual report to the  
5 director of the department that includes the total dollar amount of  
6 money received by the organization under this subsection.

7 SECTION 5. Subsections (j) and (l), Section 692A.020,  
8 Health and Safety Code, are repealed.

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

12 SECTION 7. Subdivision (1), Subsection (b), Section  
13 502.405, as added by this Act, applies only to the form of a motor  
14 vehicle registration renewal notice that is revised on or after the  
15 effective date of this Act.

16 SECTION 8. To the extent of any conflict, this Act prevails  
17 over another Act of the 83rd Legislature, Regular Session, 2013,  
18 relating to nonsubstantive additions to and corrections in enacted  
19 codes.

20 SECTION 9. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2013.