

BILL ANALYSIS

C.S.H.B. 3283
By: Zerwas
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that while thousands of Texans wait for organ transplants only a relatively few organs were made available for transplant last year. Citing this fact, the parties contend that increasing consent via the Glenda Dawson Donate Life-Texas Registry is critical to addressing the unmet needs of Texans on transplant waiting lists. C.S.H.B. 3283 seeks to amend current law to support new methods of registering donors.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3283 amends the Transportation Code to authorize an individual to contribute \$1 or more to the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry when the individual applies for an original or renewal commercial driver's license. The bill requires the Department of Public Safety (DPS) to include space on each application for a new or renewal commercial driver's license that allows an individual applying for a new or renewal commercial driver's license to indicate that the individual is voluntarily contributing \$1 or more to the organization and to provide an opportunity for the individual to contribute \$1 or more to the organization during the application process for a new or renewal commercial driver's license on the DPS website. The bill requires DPS to remit any such contribution to the comptroller of public accounts for deposit to the credit of the Glenda Dawson Donate Life-Texas Registry fund and authorizes DPS, before sending the money to the comptroller, to deduct an amount, not to exceed five percent of the money collected, for the reasonable expenses incurred by DPS in administering the voluntary contributions. The bill requires the nonprofit organization administering the registry to submit an annual report to the director of DPS that includes the total dollar amount of voluntary contributions received by the organization.

C.S.H.B. 3283 authorizes an individual who wishes to be an organ, tissue, or eye donor to execute a statement of gift. The bill authorizes the statement to be shown on a donor's commercial driver's license or by a card designed to be carried by the donor to evidence the donor's consent with respect to organ, tissue, and eye donation. The bill requires the donor card signed by the donor to be given effect as if executed under the Revised Uniform Anatomical Gift Act. The bill requires the donor registry or organ procurement organizations, tissue banks, or eye banks to provide donor registry information to DPS and the Texas Department of Transportation. The bill requires DPS, with expert input and support from the nonprofit organization

administering the registry, to provide to each applicant for the issuance of an original, renewal, corrected, or duplicate commercial driver's license who applies in person, by mail, over the Internet, or by other electronic means the opportunity to indicate on the person's commercial driver's license or personal identification certificate that the person is willing to make an anatomical gift, in the event of death, and an opportunity for the individual to consent to inclusion in the registry and release to procurement organizations and to provide a means to distribute registry information to interested individuals in each office authorized to issue commercial driver's licenses.

C.S.H.B. 3283 requires DPS to specifically ask each applicant only the question "Would you like to register as an organ donor?" and, if the applicant responds affirmatively to the question, to provide for inclusion in the registry the individual's name, date of birth, commercial 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 registry. The bill establishes that an affirmative statement of gift on an individual's commercial driver's license executed after August 31, 2015, is conclusive evidence of a decedent's status as a donor and serves as consent for organ, tissue, and eye removal. The bill requires DPS to distribute at all field offices Donate Life brochures that provide basic donation information in English and Spanish and include a contact phone number and e-mail address and to include in renewal notices the question asked of each applicant and such information on the donor registry website.

C.S.H.B. 3283 requires an individual to apply to DPS for an amendment to the commercial driver's license to revoke an affirmative statement of gift on the individual's license and sets the fee for the amendment as the same as the fee for a duplicate license. The bill requires the individual, to have the individual's name removed from the registry, to provide written notice to the nonprofit organization selected to maintain the registry directing the removal of the individual's name from the registry. The bill requires the organization, on receipt of the written notice, to promptly remove the individual's name and information from the registry. The bill requires DPS, when it issues a commercial driver's license, to provide the person to whom the license is issued with written information about the registry.

C.S.H.B. 3283 authorizes a person to contribute \$1 or more, rather than only \$1, to the nonprofit organization administering the registry when the person applies for the registration or renewal of registration of a motor vehicle, for an original or renewal driver's license, or for issuance of an original or renewed 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. The bill exempts the nonprofit organization administering the registry, an organ procurement organization, a tissue bank, or an eye bank that registers an individual as an anatomical gift donor by scanning the individual's information on the individual's driver's license, commercial driver's license, or personal identification certificate from the prohibition against accessing, using, compiling, or maintaining a database of electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate. The bill requires the nonprofit organization, organ procurement organization, tissue bank, or eye bank, before transmitting the scanned information, to notify the individual of the registry's purpose and the purposes for which the information will be used, to require the individual to verify the accuracy of the information, and to require the individual to affirm the individual's consent to make an anatomical gift through the individual's use of the individual's electronic signature.

C.S.H.B. 3283 clarifies that the Texas Department of Motor Vehicles (TxDMV) is required to provide to each county assessor-collector the educational materials for prospective donors provided under statutory provisions relating to donor registry information and removes the requirement of the educational materials to be made available in each office authorized to accept applications for motor vehicle registration. The bill replaces the provision restricting the use of contributions made to the nonprofit organization administering the registry when applying for motor vehicle registration or renewal of registration to expenditures for managing the

organization's registry, providing donor education, and promoting donor awareness with a provision restricting the use of such contributions to an expenditure to pay the costs of maintaining, operating, and updating the Internet-based registry and establishing procedures for an individual to be added to the registry; designing and distributing educational materials for prospective donors; and providing education regarding the Revised Uniform Anatomical Gift Act. The bill clarifies that the registration renewal system through which TxDMV is required to provide an opportunity for contributions to be made to the nonprofit organization administering the registry is any renewal system that succeeds the registration renewal system in place on September 1, 2015.

C.S.H.B. 3283 repeals Section 521.126(k), Transportation Code.

EFFECTIVE DATE

January 1, 2016.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3283 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. The heading to Section 502.405, Transportation Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Sections 502.405(a) and (b), Transportation Code, are amended.	SECTION 2. Same as introduced version.
SECTION 3. Section 521.008(a), Transportation Code, as added by Chapter 121 (S.B. 1815), Acts of the 83rd Legislature, Regular Session, 2013, is amended.	SECTION 3. Same as introduced version.
SECTION 4. Section 521.126, Transportation Code, is amended by amending Subsections (b) and (i) and adding Subsection (n) to read as follows: (b) Except as provided by Subsections (d), (e), (e-1), (g), (i), [and] (j), <u>and (n)</u> , and Section 501.101, Business & Commerce Code, a person commits an offense if the person: (1) accesses or uses electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate; or (2) compiles or maintains a database of electronically readable information derived from driver's licenses, commercial driver's licenses, or personal identification	SECTION 4. Section 521.126, Transportation Code, is amended by amending Subsections (b) and (i) and adding Subsection (n) to read as follows: (b) Except as provided by Subsections (d), (e), (e-1), (g), (i), [and] (j), <u>and (n)</u> , and Section 501.101, Business & Commerce Code, a person commits an offense if the person: (1) accesses or uses electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate; or (2) compiles or maintains a database of electronically readable information derived from driver's licenses, commercial driver's licenses, or personal identification

certificates.

(i) The prohibition provided by Subsection (b) does not apply to a health care provider or hospital that accesses, uses, compiles, or maintains a database of the information to provide health care services to the individual who holds the driver's license, commercial driver's license, or personal identification certificate. If an individual objects to the collection of information under this subsection, the health care provider or hospital must use an alternative method to collect the individual's information.

(n) The prohibition provided by Subsection (b) does not apply to the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry under Section 692A.020, Health and Safety Code, or an organ procurement organization, tissue bank, or eye bank, as those terms are defined by Section 692A.002, Health and Safety Code, for the purpose of scanning the individual's information on the individual's driver's license, commercial driver's license, or personal identification certificate to register the individual as an anatomical gift donor. Before transmitting information scanned under this subsection, the nonprofit organization, organ procurement organization, tissue bank, or eye bank shall:
(1) notify the individual of the registry's purpose and the purposes for which the information will be used; and
(2) require the individual to verify the accuracy of the information; and
(3) affirm the individual's consent to make an anatomical gift through the individual's use of the individual's electronic signature.

SECTION 5. Section 521.422(c), Transportation Code, is amended.

SECTION 6. Section 522.021, Transportation Code, is amended.

SECTION 7. Chapter 522, Transportation Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. ANATOMICAL GIFTS
Sec. 522.151. DEFINITION.

certificates.

(i) The prohibition provided by Subsection (b) does not apply to a health care provider or hospital that accesses, uses, compiles, or maintains a database of the information to provide health care services to the individual who holds the driver's license, commercial driver's license, or personal identification certificate. If an individual objects to the collection of information under this subsection, the health care provider or hospital must use an alternative method to collect the individual's information.

(n) The prohibition provided by Subsection (b) does not apply to the nonprofit organization administering the Glenda Dawson Donate Life-Texas Registry under Section 692A.020, Health and Safety Code, or an organ procurement organization, tissue bank, or eye bank, as those terms are defined by Section 692A.002, Health and Safety Code, for the purpose of scanning the individual's information on the individual's driver's license, commercial driver's license, or personal identification certificate to register the individual as an anatomical gift donor. Before transmitting information scanned under this subsection, the nonprofit organization, organ procurement organization, tissue bank, or eye bank shall:
(1) notify the individual of the registry's purpose and the purposes for which the information will be used;
(2) require the individual to verify the accuracy of the information; and
(3) require the individual to affirm consent to make an anatomical gift through the individual's use of the individual's electronic signature.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.

SECTION 7. Chapter 522, Transportation Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. ANATOMICAL GIFTS
Sec. 522.151. DEFINITION.

Sec. 522.152. VOLUNTARY CONTRIBUTION TO DONOR REGISTRY. (a) When an individual applies for an original or renewal commercial driver's license under this chapter, the individual may contribute \$1 or more to the nonprofit organization administering the registry.

(b) The department shall:

(1) include space on each application for a new or renewal commercial driver's license that allows an individual applying for a new or renewal commercial driver's license to indicate that the individual is voluntarily contributing \$1 or more to the organization; and

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

(c) The department shall remit any contribution made under this section to the comptroller for deposit to the credit of the Glenda Dawson Donate Life-Texas Registry fund created under Section 692A.020, Health and Safety Code. Before sending the money to the comptroller, the department may deduct an amount, not to exceed five percent of the money collected under this section, for the reasonable expenses incurred by the department in administering this section.

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

Sec. 522.153. STATEMENT OF GIFT; PROVISION OF REGISTRY INFORMATION. (a) An individual who wishes to be an organ, tissue, or eye donor may execute a statement of gift.

(b) The statement of gift may be shown on a donor's commercial driver's license or by a card designed to be carried by the donor to evidence the donor's intentions with respect to organ, tissue, and eye donation. A donor card signed by the donor shall be given effect as if executed under Section 692A.005, Health and Safety Code.

(c) The donor registry or organ

Sec. 522.152. VOLUNTARY CONTRIBUTION TO DONOR REGISTRY. (a) When an individual applies for an original or renewal commercial driver's license under this chapter, the individual may contribute \$1 or more to the nonprofit organization administering the registry.

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(1) include space on each application for a new or renewal commercial driver's license that allows an individual applying for a new or renewal commercial driver's license to indicate that the individual is voluntarily contributing \$1 or more to the organization; and

(2) provide an opportunity for the individual to contribute \$1 or more to the organization during the application process for a new or renewal commercial driver's license on the department's Internet website.

(c) The department shall remit any contribution made under this section to the comptroller for deposit to the credit of the Glenda Dawson Donate Life-Texas Registry fund created under Section 692A.020, Health and Safety Code. Before sending the money to the comptroller, the department may deduct an amount, not to exceed five percent of the money collected under this section, for the reasonable expenses incurred by the department in administering this section.

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

Sec. 522.153. STATEMENT OF GIFT; PROVISION OF REGISTRY INFORMATION. (a) An individual who wishes to be an organ, tissue, or eye donor may execute a statement of gift.

(b) The statement of gift may be shown on a donor's commercial driver's license or by a card designed to be carried by the donor to evidence the donor's consent with respect to organ, tissue, and eye donation. A donor card signed by the donor shall be given effect as if executed under Section 692A.005, Health and Safety Code.

(c) The donor registry or organ

procurement organizations, tissue banks, or eye banks, as those terms are defined by Section 692A.002, Health and Safety Code, shall provide donor registry information to the department and the Texas Department of Transportation. The department, with expert input and support from the nonprofit organization administering the registry, shall:

(1) provide to each applicant for the issuance of an original, renewal, corrected, or duplicate commercial driver's license who applies in person, by mail, over the Internet, or by other electronic means:

(A) the opportunity to indicate on the person's commercial driver's license 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

(B) an opportunity for the individual to consent to inclusion in the registry and release to procurement organizations in the manner provided by Subsection (d); and

(2) provide a means to distribute registry information to interested individuals in each office authorized to issue commercial driver's licenses.

(d) 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 individual's name, date of birth, commercial 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 registry for inclusion in the registry.

(e) An affirmative statement of gift on an individual's commercial driver's license executed after August 31, 2015, shall be conclusive evidence of a decedent's status as a donor and serve as consent for organ, tissue, and eye removal.

(f) The department shall distribute at all field offices Donate Life brochures that provide basic donation information in English and Spanish and include a contact phone number and e-mail address. The department shall include the question required under Subsection (d)(1) and

procurement organizations, tissue banks, or eye banks, as those terms are defined by Section 692A.002, Health and Safety Code, shall provide donor registry information to the department and the Texas Department of Transportation. The department, with expert input and support from the nonprofit organization administering the registry, shall:

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(e) An affirmative statement of gift on an individual's commercial driver's license executed after August 31, 2015, shall be conclusive evidence of a decedent's status as a donor and serve as consent for organ, tissue, and eye removal.

(f) The department shall distribute at all field offices Donate Life brochures that provide basic donation information in English and Spanish and include a contact phone number and e-mail address. The department shall include the question required under Subsection (d)(1) and

information on the donor registry Internet website in renewal notices.

Sec. 522.154. REVOCATION OF STATEMENT OF GIFT.

SECTION 8. Section 521.126(k), Transportation Code, is repealed.

SECTION 9. This Act takes effect September 1, 2015.

information on the donor registry Internet website in renewal notices.

Sec. 522.154. REVOCATION OF STATEMENT OF GIFT.

SECTION 8. Same as introduced version.

SECTION 9. This Act takes effect January 1, 2016.