

By: Villalba

H.B. No. 1938

A BILL TO BE ENTITLED

AN ACT

relating to certain registrations for the anatomical gift registry.

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

SECTION 1. Section 502.189(b), Transportation Code, is amended to read as follows:

(b) The department shall make available for distribution to each office authorized to issue motor vehicle registrations Donate Life brochures that provide basic donor information in English and Spanish and a contact phone number and e-mail address. The department shall ensure that the question provided in Section 521.401(c-1) [~~521.401(c)(1)(B)~~] and information on the donor registry Internet website is included with registration renewal notices.

SECTION 2. Sections 521.401(c), (c-1), and (e), Transportation Code, are 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 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, 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) if the applicant is younger than 18 years of age:

(i) 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

(ii) ~~[(B)]~~ an opportunity for the person to consent to inclusion in the statewide Internet-based registry of organ, tissue, and eye donors and release to procurement organizations in the manner provided by Subsection (c-1); and

(B) if the applicant is 18 years of age or older:

(i) the opportunity to refuse 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

(ii) an opportunity for the person to refuse to consent to inclusion in the statewide Internet-based registry of organ, tissue, and eye donors and release to procurement organizations in the manner provided by Subsection (c-1); and

(2) provide a means to distribute donor registry information to interested individuals in each office authorized to

1 issue driver's licenses or personal identification certificates.

2 (c-1) The department shall:

3 (1) for an applicant younger than 18 years of age:

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

6 (B) ~~[(2)]~~ if the applicant responds  
7 affirmatively to the question asked under Paragraph (A)  
8 ~~[Subdivision (1)]~~, provide the person's name, date of birth,  
9 driver's license number, most recent address, and other information  
10 needed for identification purposes at the time of donation to the  
11 nonprofit organization contracted to maintain the statewide donor  
12 registry under Section 692A.020, Health and Safety Code, for  
13 inclusion in the registry; and

14 (2) for an applicant who is 18 years of age or older:

15 (A) specifically ask each applicant the  
16 question, "Would you like to refuse to join the organ donor  
17 registry?" and state, "If you answer 'no' to the previous question  
18 or do not answer the previous question, you consent to join the  
19 organ donor registry by performing either of those actions."; and

20 (B) if the applicant does not affirmatively  
21 refuse to be included in the registry under Paragraph (A), provide  
22 the person's name, date of birth, driver's license number, most  
23 recent address, and other information needed for identification  
24 purposes at the time of donation to the nonprofit organization  
25 contracted to maintain the statewide donor registry under Section  
26 692A.020, Health and Safety Code, for inclusion in the registry.

27 (e) The department shall distribute at all field offices

1 Donate Life brochures that provide basic donation information in  
2 English and Spanish and include a contact phone number and e-mail  
3 address. The department shall include the question required under  
4 Subsection (c-1) [~~(c)(1)(B)~~] and information on the donor registry  
5 Internet website in renewal notices.

6 SECTION 3. Section 692A.005(a), Health and Safety Code, is  
7 amended to read as follows:

8 (a) A donor may make an anatomical gift:

9 (1) on inclusion in the Glenda Dawson Donate  
10 Life-Texas Registry, as demonstrated by [authorizing] a statement  
11 or symbol indicating that the donor has made an anatomical gift [~~to~~  
12 ~~be~~] imprinted on the donor's driver's license or identification  
13 card in the manner described by Section 521.401, Transportation  
14 Code;

15 (2) in a will;

16 (3) during a terminal illness or injury of the donor,  
17 by any form of communication addressed to at least two adults, at  
18 least one of whom is a disinterested witness; or

19 (4) as provided in Subsection (b).

20 SECTION 4. Section 692A.007(a), Health and Safety Code, is  
21 amended to read as follows:

22 (a) An individual may refuse to make an anatomical gift of  
23 the individual's body or part by:

24 (1) a record signed by:

25 (A) the individual; or

26 (B) subject to Subsection (b), another  
27 individual acting at the direction of the individual if the

1 individual is physically unable to sign;

2 (2) the individual's will, whether or not the will is  
3 admitted to probate or invalidated after the individual's death;  
4 ~~[or]~~

5 (3) any form of communication made by the individual  
6 during the individual's terminal illness or injury addressed to at  
7 least two adults, at least one of whom is a disinterested witness;  
8 or

9 (4) the individual's application for an original,  
10 renewal, corrected, or duplicate driver's license or personal  
11 identification certificate, in the manner described by Section  
12 521.401, Transportation Code, if the individual is 18 years of age  
13 or older.

14 SECTION 5. The changes in law made by this Act apply only to  
15 a driver's license or personal identification certificate for which  
16 an application is submitted on or after the effective date of this  
17 Act. A driver's license or personal identification certificate for  
18 which an application was submitted before the effective date of  
19 this Act is governed by the law as it existed immediately before the  
20 effective date of this Act, and that law is continued in effect for  
21 that purpose.

22 SECTION 6. This Act takes effect September 1, 2017.