

By: Thierry

H.B. No. 609

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

1 original, renewal, corrected, or duplicate driver's license or  
2 personal identification certificate who applies in person, by mail,  
3 over the Internet, or by other electronic means:

4 (A) if the applicant is younger than 18 years of  
5 age:

6 (i) the opportunity to include a statement  
7 or symbol imprinted [~~indicate~~] on the person's driver's license or  
8 personal identification certificate indicating that the person is  
9 willing to make an anatomical gift, in the event of death, in  
10 accordance with Section 692A.005, Health and Safety Code; and

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

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

17 (i) the opportunity to refuse inclusion of  
18 a statement or symbol imprinted on the person's driver's license or  
19 personal identification certificate indicating that the person is  
20 willing to make an anatomical gift, in the event of death, in  
21 accordance with Section 692A.005, Health and Safety Code; and

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

27 (2) provide a means to distribute donor registry

1 information to interested individuals in each office authorized to  
2 issue driver's licenses or personal identification certificates.

3 (c-1) The department shall:

4 (1) for each applicant younger than 18 years of age:

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

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

15 (2) for each applicant who is 18 years of age or older:

16 (A) specifically ask the applicant the question,  
17 "Would you like to refuse inclusion in the organ donor registry?"  
18 and provide the following statement in highlighted, capital  
19 letters, "BY EITHER ANSWERING 'NO' TO THE PREVIOUS QUESTION OR NOT  
20 ANSWERING THE PREVIOUS QUESTION, YOU CONSENT FOR YOUR INFORMATION  
21 TO BE INCLUDED IN THE ORGAN DONOR REGISTRY."; and

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

1 and other information needed for identification purposes at the  
2 time of donation.

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

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

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

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

18 (2) in a will;

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

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

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

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

27 (1) a record signed by:

1 (A) the individual; or

2 (B) subject to Subsection (b), another  
3 individual acting at the direction of the individual if the  
4 individual is physically unable to sign;

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

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

12 (4) for an individual 18 years of age or older,  
13 submission of the individual's refusal with the individual's  
14 application for an original, renewal, corrected, or duplicate  
15 driver's license or personal identification certificate, in the  
16 manner described by Section 521.401, Transportation Code.

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

25 SECTION 6. This Act takes effect September 1, 2019.