

By: Sheffield

H.B. No. 3874

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the publication of information regarding the national
3 organ transplant waiting list on the Department of State Health
4 Services' Internet website and certain registrations for the
5 anatomical gift registry.

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

7 SECTION 1. Section 692A.005(a), Health and Safety Code, is
8 amended to read as follows:

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

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

16 (2) in a will;

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

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

21 SECTION 2. Section 692A.007(a), Health and Safety Code, is
22 amended to read as follows:

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

- 1 (1) a record signed by:
- 2 (A) the individual; or
- 3 (B) subject to Subsection (b), another
- 4 individual acting at the direction of the individual if the
- 5 individual is physically unable to sign;
- 6 (2) the individual's will, whether or not the will is
- 7 admitted to probate or invalidated after the individual's death;
- 8 [~~or~~]
- 9 (3) any form of communication made by the individual
- 10 during the individual's terminal illness or injury addressed to at
- 11 least two adults, at least one of whom is a disinterested witness;
- 12 or
- 13 (4) for an individual 18 years of age or older,
- 14 submission of the individual's refusal with the individual's
- 15 application for an original, renewal, corrected, or duplicate
- 16 driver's license or personal identification certificate, in the
- 17 manner described by Section 521.401, Transportation Code.

18 SECTION 3. Chapter 692A, Health and Safety Code, is amended

19 by adding Section 692A.024 to read as follows:

20 Sec. 692A.024. INFORMATION ON NATIONAL WAITING LIST FOR

21 ORGAN TRANSPLANT. The department shall prepare and publish on the

22 department's Internet website information on the steps necessary to

23 be placed on the national waiting list for obtaining an organ

24 transplant.

25 SECTION 4. Section 502.189(b), Transportation Code, is

26 amended to read as follows:

27 (b) The department shall make available for distribution to

1 each office authorized to issue motor vehicle registrations Donate
2 Life brochures that provide basic donor information in English and
3 Spanish and a contact phone number and e-mail address. The
4 department shall ensure that the question provided in Section
5 521.401(c-1) [~~521.401(c)(1)(B)~~] and information on the donor
6 registry Internet website is included with registration renewal
7 notices.

8 SECTION 5. Sections 521.401(c), (c-1), and (e),
9 Transportation Code, are amended to read as follows:

10 (c) Donor registry information shall be provided to the
11 department and the Texas Department of Transportation by organ
12 procurement organizations, tissue banks, or eye banks, as those
13 terms are defined in Section 692A.002, Health and Safety Code, or by
14 the Glenda Dawson Donate Life-Texas Registry operated under Chapter
15 692A, Health and Safety Code. The department, with expert input and
16 support from the nonprofit organization administering the Glenda
17 Dawson Donate Life-Texas Registry, shall:

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

22 (A) if the applicant is younger than 18 years of
23 age:

24 (i) the opportunity to include a statement
25 or symbol imprinted [~~indicate~~] on the person's driver's license or
26 personal identification certificate indicating that the person is
27 willing to make an anatomical gift, in the event of death, in

1 accordance with Section 692A.005, Health and Safety Code; and

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

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

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

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

18 (2) provide a means to distribute donor registry
19 information to interested individuals in each office authorized to
20 issue driver's licenses or personal identification certificates.

21 (c-1) The department shall:

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

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

25 (B) [~~(2)~~] if the applicant responds
26 affirmatively to the question asked under Paragraph (A)
27 [~~Subdivision (1)~~], provide the person's name, date of birth,

1 driver's license number, most recent address, and other information
2 needed for identification purposes at the time of donation to the
3 nonprofit organization contracted to maintain the statewide donor
4 registry under Section [692A.020](#), Health and Safety Code, for
5 inclusion in the registry; and

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

7 (A) specifically ask the applicant the question,
8 "Would you like to refuse to join the organ donor registry?" and
9 state, "By answering 'no' to the previous question or not answering
10 the previous question, you consent to join the organ donor registry
11 and for your information to be included in the registry."; and

12 (B) if the applicant does not affirmatively
13 refuse to be included in the registry under Paragraph (A), provide
14 the person's name, date of birth, driver's license number, most
15 recent address, and other information needed for identification
16 purposes at the time of donation to the nonprofit organization
17 contracted to maintain the statewide donor registry under Section
18 [692A.020](#), Health and Safety Code, for inclusion in the registry.

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

25 SECTION 6. The changes in law made by this Act apply only to
26 a driver's license or personal identification certificate for which
27 an application is submitted on or after the effective date of this

1 Act. A driver's license or personal identification certificate for
2 which an application was submitted before the effective date of
3 this Act is governed by the law as it existed immediately before the
4 effective date of this Act, and that law is continued in effect for
5 that purpose.

6 SECTION 7. This Act takes effect September 1, 2019.