

## **BILL ANALYSIS**

Senate Research Center

S.B. 952  
By: Moncrief  
Health & Human Services  
3-31-97  
Committee Report (Amended)

### **DIGEST**

Currently, a statement of gift for an organ or tissue donation is required to be executed each time a person applies for renewal, reinstatement, or replacement of a driver's license or personal identification certificate with the Department of Public Safety (DPS). Twenty percent of licenses reflected donor designation. National studies and Gallup polls have shown that more than 80 percent of Americans would consider donating their organs. The actual consent rate in Texas is 50 to 80 percent when people are asked in hospitals. Additionally, organ and tissue donation is not the primary mission of the Texas Department of Public Safety. Organ and procurement organizations effectively educate the public about such donor decisions rather than the DPS. This bill would authorize such a statement of gift to be shown by a card designed to be carried by the donor to evidence the donor's intentions with respect to organ, tissue, or eye donation, rather than a driver's license or personal identification certificate. Such cards would be provided to the DPS by qualified organ and tissue procurement organizations or eye banks.

### **PURPOSE**

As proposed, S.B. 952 authorizes the statement of gift for an organ donation to be shown by a card designed to be carried by the donor to evidence the donor's intentions with respect to organ, tissue, or eye donation, rather than a driver's license or personal identification certificate. Requires such cards to be provided by qualified organ and tissue procurement organizations or eye banks.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 521.401 - 521.403, Transportation Code, as follows:

Sec. 521.401. STATEMENT OF GIFT. Authorizes the statement of gift to be shown by a card designed to be carried by the donor to evidence the donor's intentions with respect to organ, tissue, and eye donation. Requires a donor card signed by the donor to be given effect as if executed pursuant to Section 692.003(d), Health and Safety Code. Requires donor cards to be provided to the Department of Public Safety (department) by qualified organ or tissue procurement organizations, or eye banks, as those terms are defined in Section 692.002, Health and Safety Code. Requires the department to provide a means to distribute donor cards to interested individuals in each office authorized to issue driver's licenses or personal identification certificates. Requires a statement of gift on driver's licenses or personal identification certificates, effective September 1, 1997, to have no force and effect, provided, however, that an affirmative statement of gift on a person's driver's license or personal identification certificate executed prior to September 1, 1997, shall be conclusive evidence of a decedent's status as a donor and serve as consent for organ, tissue, or eye removal. Deletes previous provisions relating to execution of a statement of gift.

Sec. 521.402. New heading: REVOCATION OF STATEMENT OF GIFT. Requires a person to apply to the department for an amendment to the license or certificate in order to revoke an affirmative statement of gift on a person's driver's license or personal identification certificate made prior to September 1, 1997. Makes a conforming change.

Sec. 521.403. INFORMATION PROVIDED TO HOSPITAL. Requires the donor card, rather than a driver's license or personal identification certificate, of a person who is involved in an accident or other trauma to accompany the person to the hospital or other health care facility. Requires a driver's license or personal identification certificate issued prior to September 1, 1997, indicating an affirmative statement of gift of a person who is involved in an accident or other trauma, to accompany the person to the hospital or health care facility if the person does not have a donor card. Makes a conforming change.

SECTION 2. Amends Section 692.002, Health and Safety Code, by adding Subdivision (4), to define "donor card." Makes conforming changes.

SECTION 3. Amends Section 692.003(e), Health and Safety Code, to require a gift made under this section by a person 18 years of age or older, including a gift made under Section 521.401, Transportation Code, rather than Section 11B, Article 6687b, V.T.C.S., to be honored without obtaining the approval or consent of any other person.

SECTION 4. Amends Section 692.014, Health and Safety Code, to require the inquiry to ask the person authorized to make an anatomical gift on behalf of the decedent to be made in accordance with the protocol established under Section 692.013 and with the procedures established under Chapter 521Q, Transportation Code, rather than Section 11B, Article 6687b, V.T.C.S. Provides that a copy of the decedent's donor card or a decedent's driver's license or personal identification certificate with an affirmative statement of gift issued prior to September 1, 1997, rather than a personal identification card with a statement of anatomical gift symbolized on it or a document executed in accordance with Section 692.003, is conclusive evidence of the decedent's status as a donor and serves as consent for the organ, tissue, or eye removal. Makes conforming changes.

SECTION 5. Authorizes the department to continue to use its current supply of driver's licenses and personal identification cards; however, the department shall not place any information on the driver's license and personal identification cards pertaining to the persons's status as an organ donor after September 1, 1997.

SECTION 6. Effective date: September 1, 1997.

SECTION 7. Emergency clause.

#### **SUMMARY OF COMMITTEE CHANGES**

Amendment 1.

Page 1, line 10, strike "organ and tissue" and substitute with "organ, tissue, and eye."

Page 1, line 14, strike ", as that term is" and substitute with "or eye banks, as those terms are."

Page 2, lines 2-3, strike "organ and tissue" and substitute with "organ, tissue, and eye."

Page 3, lines 10-11, insert ", tissue, or eye" between "organ" and "donations."

Page 5, line 16, strike "organ or tissue" and substitute "organ, tissue, or eye."

Page 5, line 19, strike "organs and tissues" and substitute "organs, tissues, and eyes."