

1-1 By: Zaffirini S.B. No. 1561
 1-2 (In the Senate - Filed March 12, 2015; March 23, 2015, read
 1-3 first time and referred to Committee on Transportation;
 1-4 April 13, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; April 13, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10				
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1561 By: Huffines

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to contributions and registrations for an anatomical gift
 1-22 registry; authorizing a fee.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. The heading to Section 502.405, Transportation
 1-25 Code, is amended to read as follows:

1-26 Sec. 502.405. VOLUNTARY CONTRIBUTION TO DONOR REGISTRY
 1-27 [~~EDUCATION, AWARENESS, AND REGISTRY PROGRAM~~].

1-28 SECTION 2. Sections 502.405(a) and (b), Transportation
 1-29 Code, are amended to read as follows:

1-30 (a) The department shall provide to each county
 1-31 assessor-collector the educational materials for prospective
 1-32 donors provided under Section 502.189 [as required by the Donor
 1-33 Education, Awareness, and Registry Program of Texas under Chapter
 1-34 49, Health and Safety Code. The educational materials shall be
 1-35 made available in each office authorized to accept applications for
 1-36 registration of motor vehicles].

1-37 (b) When a person applies for the registration or renewal of
 1-38 registration of a motor vehicle, the person may elect to contribute
 1-39 \$1 or more to the nonprofit organization administering the Glenda
 1-40 Dawson Donate Life-Texas Registry established under Chapter 692A,
 1-41 Health and Safety Code. The department shall remit any
 1-42 contribution paid under this subsection to the comptroller for
 1-43 deposit to the credit of the Glenda Dawson Donate Life-Texas
 1-44 Registry fund created under Section 692A.020, Health and Safety
 1-45 Code. Money received under this subsection by the organization may
 1-46 be used only for the purposes described by Section 692A.020(i),
 1-47 Health and Safety Code [~~to manage the organization's registry,
 1-48 provide donor education, and promote donor awareness~~]. The
 1-49 organization shall submit an annual report to the legislature and
 1-50 the comptroller that includes the total dollar amount of money
 1-51 received by the organization under this subsection. If a person
 1-52 makes a contribution under this section and does not pay the full
 1-53 amount of the registration fee, the department may credit all or a
 1-54 portion of the contribution to the person's registration fee. The
 1-55 department shall:

1-56 (1) include space on each motor vehicle registration
 1-57 renewal notice, on the page that states the total fee for
 1-58 registration renewal, that allows a person renewing a registration
 1-59 to voluntarily contribute \$1 or more to the organization;

1-60 (2) provide an opportunity for a person to contribute

2-1 \$1 or more to the organization during the registration renewal
2-2 process on the department's Internet website; and

2-3 (3) provide an opportunity to contribute \$1 or more to
2-4 the organization in any registration renewal system that succeeds
2-5 the registration renewal system in place on September 1, 2015
2-6 [~~2013~~].

2-7 SECTION 3. Section 521.008(a), Transportation Code, as
2-8 added by Chapter 121 (S.B. 1815), Acts of the 83rd Legislature,
2-9 Regular Session, 2013, is amended to read as follows:

2-10 (a) When a person applies for an original or renewal
2-11 driver's license under this chapter, the person may contribute \$1
2-12 or more to the nonprofit organization administering the Glenda
2-13 Dawson Donate Life-Texas Registry under Chapter 692A, Health and
2-14 Safety Code.

2-15 SECTION 4. Section 521.126, Transportation Code, is amended
2-16 by amending Subsections (b) and (i) and adding Subsection (n) to
2-17 read as follows:

2-18 (b) Except as provided by Subsections (d), (e), (e-1), (g),
2-19 (i), [~~and~~] (j), and (n), and Section 501.101, Business & Commerce
2-20 Code, a person commits an offense if the person:

2-21 (1) accesses or uses electronically readable
2-22 information derived from a driver's license, commercial driver's
2-23 license, or personal identification certificate; or

2-24 (2) compiles or maintains a database of electronically
2-25 readable information derived from driver's licenses, commercial
2-26 driver's licenses, or personal identification certificates.

2-27 (i) The prohibition provided by Subsection (b) does not
2-28 apply to a health care provider or hospital that accesses, uses,
2-29 compiles, or maintains a database of the information to provide
2-30 health care services to the individual who holds the driver's
2-31 license, commercial driver's license, or personal identification
2-32 certificate. If an individual objects to the collection of
2-33 information under this subsection, the health care provider or
2-34 hospital must use an alternative method to collect the individual's
2-35 information.

2-36 (n) The prohibition provided by Subsection (b) does not
2-37 apply to the nonprofit organization administering the Glenda Dawson
2-38 Donate Life-Texas Registry under Section 692A.020, Health and
2-39 Safety Code, or an organ procurement organization, tissue bank, or
2-40 eye bank, as those terms are defined by Section 692A.002, Health and
2-41 Safety Code, for the purpose of scanning the individual's
2-42 information on the individual's driver's license, commercial
2-43 driver's license, or personal identification certificate to
2-44 register the individual as an anatomical gift donor. Before
2-45 transmitting information scanned under this subsection, the
2-46 nonprofit organization, organ procurement organization, tissue
2-47 bank, or eye bank shall:

2-48 (1) notify the individual of the registry's purpose
2-49 and the purposes for which the information will be used;

2-50 (2) require the individual to verify the accuracy of
2-51 the information; and

2-52 (3) require the individual to affirm consent to make
2-53 an anatomical gift through the individual's use of the individual's
2-54 electronic signature.

2-55 SECTION 5. Section 521.422(c), Transportation Code, is
2-56 amended to read as follows:

2-57 (c) When a person applies for the issuance or renewal of a
2-58 personal identification card, including a duplicate personal
2-59 identification card or a personal identification card issued or
2-60 renewed over the Internet or by other electronic means, the person
2-61 may elect to contribute \$1 or more to the nonprofit organization
2-62 administering the Glenda Dawson Donate Life-Texas Registry
2-63 established under Chapter 692A, Health and Safety Code. The
2-64 department shall remit any contribution paid under this subsection
2-65 to the comptroller for deposit to the credit of the Glenda Dawson
2-66 Donate Life-Texas Registry fund created under Section 692A.020,
2-67 Health and Safety Code. Before sending the money to the
2-68 comptroller, the department may deduct money equal to the amount of
2-69 reasonable expenses for administering this subsection, not to

3-1 exceed five percent of the money collected under this
3-2 subsection. The organization shall submit an annual report to the
3-3 director of the department that includes the total dollar amount of
3-4 money received by the organization under this subsection.

3-5 SECTION 6. Section 522.021, Transportation Code, is amended
3-6 by adding Subsection (e) to read as follows:

3-7 (e) When the department issues a license to which this
3-8 section applies, the department shall provide the person to whom
3-9 the license is issued with written information about the Glenda
3-10 Dawson Donate Life-Texas Registry operated under Chapter 692A,
3-11 Health and Safety Code.

3-12 SECTION 7. Chapter 522, Transportation Code, is amended by
3-13 adding Subchapter J to read as follows:

3-14 SUBCHAPTER J. ANATOMICAL GIFTS

3-15 Sec. 522.151. DEFINITION. In this subchapter, "registry"
3-16 means the Glenda Dawson Donate Life-Texas Registry established
3-17 under Section 692A.020, Health and Safety Code.

3-18 Sec. 522.152. VOLUNTARY CONTRIBUTION TO DONOR REGISTRY.

3-19 (a) When an individual applies for an original or renewal
3-20 commercial driver's license under this chapter, the individual may
3-21 contribute \$1 or more to the nonprofit organization administering
3-22 the registry.

3-23 (b) The department shall:

3-24 (1) include space on each application for a new or
3-25 renewal commercial driver's license that allows an individual
3-26 applying for a new or renewal commercial driver's license to
3-27 indicate that the individual is voluntarily contributing \$1 or more
3-28 to the organization; and

3-29 (2) provide an opportunity for the individual to
3-30 contribute \$1 or more to the organization during the application
3-31 process for a new or renewal commercial driver's license on the
3-32 department's Internet website.

3-33 (c) The department shall remit any contribution made under
3-34 this section to the comptroller for deposit to the credit of the
3-35 Glenda Dawson Donate Life-Texas Registry fund created under Section
3-36 692A.020, Health and Safety Code. Before sending the money to the
3-37 comptroller, the department may deduct an amount, not to exceed
3-38 five percent of the money collected under this section, for the
3-39 reasonable expenses incurred by the department in administering
3-40 this section.

3-41 (d) The organization shall submit an annual report to the
3-42 director of the department that includes the total dollar amount of
3-43 contributions received by the organization under this section.

3-44 Sec. 522.153. STATEMENT OF GIFT; PROVISION OF REGISTRY
3-45 INFORMATION. (a) An individual who wishes to be an organ, tissue,
3-46 or eye donor may execute a statement of gift.

3-47 (b) The statement of gift may be shown on a donor's
3-48 commercial driver's license or by a card designed to be carried by
3-49 the donor to evidence the donor's consent with respect to organ,
3-50 tissue, and eye donation. A donor card signed by the donor shall be
3-51 given effect as if executed under Section 692A.005, Health and
3-52 Safety Code.

3-53 (c) The donor registry or organ procurement organizations,
3-54 tissue banks, or eye banks, as those terms are defined by Section
3-55 692A.002, Health and Safety Code, shall provide donor registry
3-56 information to the department and the Texas Department of
3-57 Transportation. The department, with expert input and support
3-58 from the nonprofit organization administering the registry, shall:

3-59 (1) provide to each applicant for the issuance of an
3-60 original, renewal, corrected, or duplicate commercial driver's
3-61 license who applies in person, by mail, over the Internet, or by
3-62 other electronic means:

3-63 (A) the opportunity to indicate on the person's
3-64 commercial driver's license or personal identification certificate
3-65 that the person is willing to make an anatomical gift, in the event
3-66 of death, in accordance with Section 692A.005, Health and Safety
3-67 Code; and

3-68 (B) an opportunity for the individual to consent
3-69 to inclusion in the registry and release to procurement

4-1 organizations in the manner provided by Subsection (d); and
4-2 (2) provide a means to distribute registry information
4-3 to interested individuals in each office authorized to issue
4-4 commercial driver's licenses.

4-5 (d) The department shall:
4-6 (1) specifically ask each applicant only the question,
4-7 "Would you like to register as an organ donor?"; and

4-8 (2) if the applicant responds affirmatively to the
4-9 question asked under Subdivision (1), provide the individual's
4-10 name, date of birth, commercial driver's license number, most
4-11 recent address, and other information needed for identification
4-12 purposes at the time of donation to the nonprofit organization
4-13 contracted to maintain the registry for inclusion in the registry.

4-14 (e) An affirmative statement of gift on an individual's
4-15 commercial driver's license executed after August 31, 2015, shall
4-16 be conclusive evidence of a decedent's status as a donor and serve
4-17 as consent for organ, tissue, and eye removal.

4-18 (f) The department shall distribute at all field offices
4-19 Donate Life brochures that provide basic donation information in
4-20 English and Spanish and include a contact phone number and e-mail
4-21 address. The department shall include the question required under
4-22 Subsection (d)(1) and information on the donor registry Internet
4-23 website in renewal notices.

4-24 Sec. 522.154. REVOCATION OF STATEMENT OF GIFT. (a) To
4-25 revoke an affirmative statement of gift on an individual's
4-26 commercial driver's license, the individual must apply to the
4-27 department for an amendment to the license.

4-28 (b) The fee for an amendment is the same as the fee for a
4-29 duplicate license.

4-30 (c) To have an individual's name removed from the registry,
4-31 the individual must provide written notice to the nonprofit
4-32 organization selected under Chapter 692A, Health and Safety Code,
4-33 to maintain the registry directing the removal of the individual's
4-34 name from the registry. On receipt of a written notice under this
4-35 subsection, the organization shall promptly remove the
4-36 individual's name and information from the registry.

4-37 SECTION 8. Section 521.126(k), Transportation Code, is
4-38 repealed.

4-39 SECTION 9. This Act takes effect January 1, 2016.

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