

## **BILL ANALYSIS**

H.B. 3701  
By: Guerra  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been reported that the need for organ donors is much greater than the number of people who actually donate. Every day, people die waiting for an organ transplant. Currently, individuals who apply for certain identification cards, including driver licenses, are given the opportunity to opt-in to the organ donor system.

HB 3701 seeks to resolve organ sparsity by converting Texas from an opt-in organ donor process to an opt-out process.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

HB 3701 amends the Health & Safety Code to allow inclusion in the Glenda Dawson Donate Life-Texas Registry by a statement or symbol imprinted on the donor's driver's license or personal identification certificate indicating the person is willing to make an anatomical gift. For an individual 18 years of age or older, submission of the individual's refusal with the individual's application for an original, renewal, corrected, or duplicate driver's license or personal identification certificate in the manner described in the anatomical gifts statute.

HB 3701 requires the Department of State Health Services to prepare and publish on the department's Internet website information on the steps necessary to be placed on the national waiting list for obtaining an organ transplant.

HB 3701 amends the Transportation code by deleting the provision requiring an opportunity for the person to consent to inclusion in the statewide Internet-based registry of organ, tissue, and eye donors. Instead, it allows an applicant younger than 18 the opportunity to include a statement or symbol imprinted on the driver's license or personal identification certificate indicating that the person is willing to make an anatomical gift and if the person is over the age of 18 an opportunity for the person to refuse inclusion of a statement or symbol imprinted on the person's driver's license or personal identification certificate indicating that the person is willing to make an anatomical gift, in the event of death, and refuse to consent to inclusion of the person's information in the statewide Internet-based registry of organ, tissue, and eye donors and release of the information to procurement organizations. It requires the Department of Public Safety to specifically ask each applicant under the age of 18 years of age if the applicant would like to register as an organ donor and for each person who is 18 years of age or older if the

person would like to refuse to join the organ donor registry. If the applicant does not affirmatively refuse to join the registry, the Department of Public Safety must provide for inclusion in the registry the applicant's name, date of birth, driver's license number, most recent address, and other information needed for identification purposes at the time of donation to the nonprofit organization contracted to maintain the statewide donor registry. Requires the Department of Public Safety to include the questions required by the bill and information on the donor registry Internet website in renewal notices.

**EFFECTIVE DATE**

September 1, 2021.