

Legislative Analysis



HEART INSIGNIA/DONOR REGISTRY

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House Bills 4082 and 4469 (as passed by the House)
Sponsor: Rep. John Gleason

House Bill 4470 (as passed by the House)
Sponsor: Rep. Philip LaJoy
Committee: Transportation

Second Analysis (5-12-05)

BRIEF SUMMARY: This package of bills would establish a heart insignia on the front of the driver license and state identification card and would change how the secretary of state approaches residents regarding organ and tissue donation. The bills are intended to enhance and strengthen the state's donor registry and increase the number of residents on the registry. *In addition, the House-passed substitute [Substitute H-4] of House Bill 4082 would redirect two department of state service fees currently earmarked for the Michigan Transportation Fund to the Transportation Administration Collection Fund. The provisions related to this fund shift are unrelated to the provisions regarding the organ and tissue donation program.*

FISCAL IMPACT: With regard to the provisions of the bill dealing with organ and tissue donation designation on driver licenses and state identification cards, the Department of State would incur costs for programming as well as costs for ongoing administrative expenses. However, the amount of those costs are indeterminate at this time. *The fiscal impact on the redirection of service fees from the Michigan Transportation Fund to the Transportation Administration Collection Fund are described more fully in a memo prepared for the House Appropriations Subcommittee on Transportation and available from the House Fiscal Agency or at <http://www.house.mi.gov/hfa/whatsnew.html>. The memo is entitled "Transportation Administration Collection Fund."*

THE APPARENT PROBLEM:

According to Gift of Life of Michigan, a state organ and tissue donation program, there are currently 2,678 patients in the state who are waiting for organ transplants and hundreds of people in need of other tissues such as heart valves, veins, tendons, bone, and corneas, in order to survive or maintain their quality of life. Year-to-date 2005 statistics reveal that 94 Michigan patients have received an organ transplant, while 42 patients have died waiting for a transplant. While other states average 40 percent of their population as registered donors, Michigan lags behind with only 8 percent of its population as registered donors.

This package of bills is intended to enhance, support, and improve Michigan's donor registry and allow hundreds more organ and tissue transplants per year. The bills establish a heart insignia on the front of the license or state identification card that provides an easy, reliable way for citizens and medical personnel to verify that a resident

has registered their wish to become an organ, tissue, or eye donor and would require the secretary of state to inquire of each licensee, in person or by mail, whether the licensee wants to participate in the organ and tissue donor registry.

THE CONTENT OF THE BILLS:

House Bill 4082 would amend the Michigan Vehicle Code (MCL 257.310) to require the secretary of state to put a heart insignia on the front of a driver license when a driver has indicated the intent to be an organ or tissue donor.

Also, beginning January 1, 2007, the secretary of state would be required to inquire of each licensee, in person or by mail, whether the licensee agrees to participate in the organ and tissue donor registry. If a person had agreed to participate in the registry, that agreement would not be considered revoked solely because the license had been revoked or suspended or had expired. In addition, enrollment in the organ, tissue, and eye registry constitutes a legal agreement that remains binding and in effect after the donor's death regardless of the expressed desires of the deceased donor's next of kin who may oppose the donor's organ, tissue, or eye donation.

The bill also contains a provision regarding the sticker or decal on a license that indicates a licensee has designated one or more patient advocates. The bill specifies that the sticker or decal could be provided by any person, hospital, school, medical group, or association interested in assisting in implementing the emergency medical information card, but the sticker or decal would have to meet the specifications of the secretary of state.

House Bill 4470 would amend the Michigan Vehicle Code (MCL 257.303 et al.) to require the secretary of state, beginning January 1, 2007, to:

- Maintain a record of an individual who indicates a willingness to be placed on the registry. Information about an applicant's indicated willingness to be placed on the registry obtained and forwarded by the secretary of state would be exempt from disclosure under the Freedom of Information Act.
- Maintain the organ, tissue, and eye donor registry in a manner that provides electronic access, including transfer of data to the state's federally designated organ procurement organizations, their successor organizations, and the tissue and eye banks, with limitations on the use and access to the donor registry as determined by the secretary of state.

The bill also would prohibit the charging of a fee to add or remove a heart insignia from a driver license.

House Bill 4469 would amend the Public Health Code (MCL 333.10104) to put references to the heart insignia on a driver license or state personal identification card into the code.

It also contains language prohibiting the revocation of a donation made by will or by a "document of gift" after the donor died, regardless of the expressed desires of the deceased donor's next of kin who may oppose the donor's organ, tissue, or eye donation.

House Bill 4082, House Bill 4469 and House Bill 4470 are all tie-barred to one another, so that none of the bills could take effect unless all three bills took effect. The three House Bills are also tie-barred to Senate Bill 301, which would put similar provisions into the act that provides for an official state personal identification card. (Senate Bill 301 is currently on the House floor.)

ARGUMENTS:

For:

Supporters say that a recent study estimated that 25 percent of Michigan driver's license holders would be registered donors within four years after implementation of policies similar to the other 41 states which have donor designation on their license. The heart insignia, coupled with questioning by the secretary of state upon renewal will increase Michigan's donor registry.

For:

Organ and tissue donation program representatives believe that providing organ and tissue donation information to residents prior to renewal will give Michigan residents time to consider their decision before they are asked about the heart insignia at the secretary of state offices.

For:

Supporters also say that electronic transfer of data will ensure that data is error free, complete, and would eliminate the problem of scanning damaged donor cards. It also could reduce postage costs currently incurred by the secretary of state.

POSITIONS:

The Department of State supports the bills. (3-15-05)

Gift of Life of Michigan and the National Kidney Foundation of Michigan support House Bills 4469 and 4470 as reported from committee and House Bill 4082 in anticipated substitute form. (3-16-05)

Michigan Association of Emergency Medical Technicians supports the bills. (3-15-05)

The Department of Community Health supports the bills. (3-15-05)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.