

Legislative Analysis



HEART INSIGNIA/DONOR REGISTRY

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bills 4082 and 4469 as enrolled
Public Acts 141 and 140 of 2005
Sponsor: Rep. John Gleason

House Bill 4470 as enrolled
Public Act 142 of 2005
Sponsor: Rep. Philip LaJoy

Senate Bill 301 as enrolled
Public Act 143 of 2005
Sponsor: Sen. Jud Gilbert, II

House Committee: Transportation
Senate Committee: Transportation

Third Analysis (12-22-05)

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.

House Bill 4082 (enacted as Public Act 141 of 2005) would also redirect revenue from two vehicle registration service fees collected by the Michigan Secretary of State. Revenue from these two fees, as provided in the Michigan Vehicle Code, had previously been earmarked for the Michigan Transportation Fund (MTF). House Bill 4082 would redirect that revenue to the Transportation Administration Collection Fund (TACF). 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 is indeterminate at this time.

House Bill 4082, as enacted, amends Section 806 of the Michigan Vehicle Code to redirect revenue from the \$5.00 expedited service fee from the MTF to the TACF for one fiscal year only – FY 2004-05. The amount of this one-year revenue shift is approximately \$900,000 (based on FY 2003-04 transaction history). The bill also amends Section 810 of the Michigan Vehicle Code to redirect revenue from the \$8.00 transfer of registration service fee from the MTF to the TACF. The bill makes this fund shift effective for two fiscal years only: FYs 2004-05 and 2005-06. The amount of this revenue shift is approximately \$9.6 million in each of the two fiscal years affected (based on FY 2003-04 transaction history).

For additional information on the Transportation Administration Collection Fund see "Transportation Administration Collection Fund" prepared by the House Fiscal Agency

for the House Appropriations Subcommittee on Transportation. The memo is available from the House Fiscal Agency or the House Fiscal Agency website at <http://www.house.mi.gov/hfa/PDFs/TACF%20history.pdf>.

THE APPARENT PROBLEM:

According to Gift of Life of Michigan, a state organ and tissue donation program, there were as of December 1, 2005, over 2,800 patients in the state 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 quality of life. Year-to-date 2005 statistics reveal that 576 Michigan patients have received an organ transplant, while 78 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 licensees and applicants for identification cards whether they want 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. Senate Bill 301 would amend Public Act 222 of 1972 to require the heart insignia on the front of an official state personal identification card. Both requirements would begin January 1, 2007.

Also under both bills, beginning January 1, 2007, the secretary of state would be required to inquire of each licensee or applicant for a state identification card, in person or by mail, whether the licensee agrees to participate in the organ and tissue donor registry. If a person agreed to participate, that agreement would not be considered revoked solely because the license had been revoked or suspended or had expired, or the identification card 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 or identification card 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.), and Senate Bill 301 would amend Public Act 222 of 1972, 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.

Under the bills there would be no fee to add or remove a heart insignia from a driver license or identification card fee.

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.

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

Legislative Analyst: E. Best
Fiscal Analysts: William Hamilton
Robin Risko

■ 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.