

Date of Hearing: January 10, 2022

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 1045 (Low) – As Amended January 4, 2022

**SUBJECT:** Driver’s licenses: bone marrow and blood stem cell registry

**SUMMARY:** Requires the Department of Motor Vehicles (DMV) to inquire on the driver’s license (DL) form if an applicant wishes to register to be a bone marrow donor and authorizes DMV to share an applicant’s contact information with the National Marrow Donor Program. Specifically, **this bill:**

- 1) Requires DMV to include a written inquiry during the DL application process if the applicant wishes to become a potential bone marrow or blood stem cell donor by enrolling in the National Marrow Donor Program’s registry.
- 2) Requires DMV to enter into a memorandum of understanding (MOU) with the National Marrow Donor Program on the language to be included on the DL application form, including definitions of enrollment and donor requirements, as well as legal disclosures.
- 3) Requires DMV to transmit applicants’ full name, mailing address, date of birth, telephone number, and email address on a weekly basis.
- 4) Requires DMV to post the enrollment form on DMV’s website.
- 5) Requires the California Health and Human Services Agency to post the enrollment form on their website.
- 6) Cites this law as “Charlie’s Law.”

**EXISTING LAW:**

- 1) Authorizes Donate Life California, a non-profit entity, to maintain the registry for people who have identified themselves as organ, eye, and tissue donors upon their death.
- 2) Requires the DMV to ask verbally of all applicants for original or renewal DL or identification (ID) cards if they want to become organ and tissue donors.
- 3) Requires the DMV to enter into an MOU with Donate Life California regarding the language on the DL form regarding enrollment.
- 4) Requires the DMV to print the word “DONOR” on the face of a driver’s license or ID card to any registrant.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

Since 2001, the DMV has provided Californians the opportunity to register as Organ and Tissue Donors using its DL and ID application forms. Today, there are over 17.5 million Californians registered to be organ donors, over 95% of whom enrolled when they applied for a DMV DL or ID card.

The Uniform Anatomical Gift Act authorizes the recovery of an individual's organs and tissues in the event of their death. Those under the age of 18 require parental consent to be an organ donor. Individuals over the age of 18 can give consent by registering as an organ donor with Donate Life California. Organ donations can be used to give to another person in need of an organ, or be used for research purposes. An individual can limit the scope of the organ donations on the Donate Life website.

AB 1045 requires DMV to inquire if an applicant would be interested in becoming a bone marrow donor, and then requires DMV to share an applicant's contact information with the National Marrow Donor Program if the applicant is interested in becoming a donor.

According to the author, "In the United States, less than 30% of patients can find a fully matched bone marrow donor in their family or network. It is especially hard for people of color to find a donor due to the lack of diversity in donors. In order to make bone marrow more accessible to save the lives of patients, it is chief that we increase the number of donors. AB 1045 would predictably increase the number of bone marrow donors by expanding awareness for the ability to donate. Educating Californians through the DMV has been proved effective by the increase of organ donors in the United States following the DMV's option to enroll. Increasing the number of donors will not only save lives but will also increase equality among all recipients."

In the 1980s Congress established the National Marrow Donor Program. The program has become the largest major registry with potential marrow donors and cord blood units in the world. Be the Match, a national non-profit, administers the program. The program has facilitated more than 105,000 transplants. The federal Government recently reauthorized the National Bone Marrow Transplant Act in 2021. According to Be the Match, there are 25 million donor registrants, nearly 12.5 million of which are in the United States. 1.1 million are in California. From 2016-2020 1,691 Californians were donors, while 5,339 California patients were looking for a donor.

According to *Getting to the Heart of Being the Match: A quantitative Analysis of Bone Marrow donor Recruitment and Retention Among College Students*, in the U.S. over 20,000 individuals each year have been diagnosed with severe or life threatening diseases (lymphoma, leukemia, or genetic metabolic disorders) that can be treated by a bone marrow or an umbilical cord blood transplant from matched donors.

Only 30% of people needing a bone marrow transplant are able to get one from a family member. The other 70% have to rely on the registry. Obtaining actual donations from registered donors has been an issue. Only 18.5% of registered donors in Be the Match donate bone marrow or blood stem cells to people needing a transplant. *Getting to the Heart of Being the Match*, found that one of the reasons college students were less likely to donate after signing up for the registry was lack of knowledge concerning the disease and donation process.

According to Be the Match, the ability to find a donor is more difficult for minority ethnic groups. 79% of Caucasians are likely to find a match based on the existing donor list, compared to 48% of Latinx, 47% of Asian or Pacific Islanders, and 29% of African Americans.

The Office the District Attorney of the County of Santa Clara, writing in support, argues “More patients can find the matching donor they need to save their lives with a large and diverse registry. By offering registration in the National Marrow Donor Program (NMDP) to all Californians renewing or applying for a driver’s license or identification card, awareness, and enrollment among a diverse group of donors in the NMDP will increase and thousands of patients around the world will have a second chance at life.”

*Committee Comments:* The Motor Vehicle Account (MVA), which is the primary funding source for DMV and California Highway Patrol (CHP) faces a structural budget shortfall and the Department of Finance estimates it will be insolvent in 2024-25. Any increased costs to implement this bill would hasten the insolvency of the MVA and potentially negatively impact DMV and CHP.

This bill would require DMV to program into their systems a database on who has agreed to share their information with Be the Match, similar to the existing process for Donate Life California. However this bill requires additional information, specifically an email and phone number, to be collected that DMV does not currently collect during the DL application process. This additional information may also cause programming challenges for DMV.

Making necessary information technology (IT) programming changes to implement this bill may come at a significant cost to DMV. DMV currently uses a legacy computer programming language known as Assembler that was created around the 1950s and is less commonly used today. As a result, few individuals are trained in this coding language, and many are nearing retirement at DMV. DMV has begun the process of updating its systems, but in the meantime, reprogramming could be costly.

DMV reports it is undertaking a complete modernization of its IT systems, which will require DMV to place its “core legacy” IT system in “freeze mode.” Recent new laws that have required DMV to make IT updates have had delayed enactment dates in order to accommodate the modernization efforts.

*Previous Legislation:* AB 1374 (Mullin) Chapter 211, Statutes of 2021, required the language on DL application regarding enrollment in the Donate Life California Organ and Tissue Donor Registry to reflect mutually agreed upon language between DMV and Donate Life California.

SB 108 (Speier), Chapter 740, Statutes of 2001, authorized the establishment of an Organ and Tissue Donor Registry in the California Health and Human Services Agency and requires DMV to provide an enrollment form to anyone coming to obtain or renew their driver’s licenses.

SB 112 (Speier), Chapter 405, Statutes of 2003, transferred responsibility for establishing the registry to a private, non-profit organization. Required DMV to provide donor registration forms to those applying for drivers’ licenses or identification cards. These forms included instructions to mail the completed form to Donate Life California.

SB 689 (Speier), Chapter 665, Statutes of 2005, required DMV to include on its applications for drivers' licenses and identification cards a space for the applicant to give his or her consent to be an organ or tissue donor.

SB 1395 (Alquist) Chapter 217, Statutes of 2010, required DMV to update its applications with specified language asking the applicant to check yes or no to add his/her name to the organ donor registry.

AB 810 (Gipson) of 2020, SB 685 (Galgiani) of 2019, SB 987 (Galgiani) of 2018 would have added additional disclosure language to the driver's license form for the purposes of organ and tissue donation. AB 810 died in Assembly Transportation Committee, SB 685 died in Senate Appropriations Committee, and SB 987 was vetoed by Governor Brown.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Be the Match  
Santa Clara County District Attorney's Office

**Opposition**

None on file

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