

Date of Hearing: April 26, 2021

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 1374 (Mullin) – As Introduced February 19, 2021

**SUBJECT:** Driver’s licenses: organ donation

**SUMMARY:** Requires the language on a driver’s license (DL) application regarding enrollment in the Donate Life California Organ and Tissue Donor Registry to reflect mutually agreed upon language between the Department of Motor Vehicles (DMV) and Donate Life California.

Specifically, **this bill:**

- 1) Recasts existing law on the language in DL form and authorizes that language to be used if an MOU is not formed between Donate Life California and DMV.
- 2) Makes various technical, conforming changes to reflect the potential memorandum of understanding (MOU) between Donate Life and DMV on language changes in the DL application.

**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 drivers’ licenses or identification (ID) cards if they want to become organ and tissue donors.
- 3) Requires the DMV to include *yes* or *no* check boxes specifically asking “Yes, add my name to the donor registry” or “I do not wish to register at this time” on its application for a driver’s license or ID card.
- 4) Requires the DMV to include prescribed language with the check boxes that describes what checking “Yes” means and information on how to remove one’s name from the registry.
- 5) Requires that an applicant does not need to answer this question or check a box in order to receive a driver’s license or ID card.
- 6) Requires the DMV to provide on the back of the application for a driver’s license or ID card a disclosure statement that explains that checking yes is legally binding for those 18 years and older and that minors require consent from a parent or guardian, and provides more information on what it means to be a donor.
- 7) 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 14 million Californians registered to be organ donors, over 90% 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.

According to Donate Life, the sponsors of this bill, "While this growth of the registry has been successful, by population California is still below the national average for registered donors at only 43%, compared to the 60% national average. The registry continues to be of vital importance as over 120,000 individuals across the country are waiting for lifesaving transplants, and 21 individuals die each day without a transplant. The organ donation community has recently established best practices as it pertains to clearly presenting the organ donation question to individuals. AB 1374 (Mullin) would allow the DMV and DLC to work in consultation to update the DL-44 form to reflect these best practices and ensure that Californians are clear on what their donor decision means."

The DMV DL and ID application forms include three check boxes under the organ and tissue donation section. The form asks "Do you wish to be an organ or tissue donor?" The first box says "Yes, add or keep my name on the donor registry" and notifies you that a pink dot will be added to your driver's license. The second box states "I do not wish to register to be an organ or tissue donor at this time" and comes with a disclosure that checking the box does not remove you from the registry if you previously registered, and that you must contact Donate Life California to do so. It also notifies you that DMV can remove the pink dot. A third box allows for a voluntary \$2 donation.

Your organs may still be donated if you check the box that says "I do not wish to register to be an organ or tissue donor at this time. The Uniform Anatomical Gift Act authorizes others to make the decision after death, so long as you have not expressly forbade organ donation in writing or you are known to be part of a religion that expressly prohibits organ donation.

For the last several years Donate Life California has sponsored legislation to add additional disclosure language to the DL and ID card form. SB 987 (Galgiani) of 2018 would have added additional disclosure language but was vetoed by Governor Brown along with various other DMV related bills because of the workload issues DMV was facing as a result of REAL ID implementation. Every year since then, a member of the Legislature has introduced similar legislation to update the form, with each of those bills failing in the Legislature.

In the meantime, Donate Life California and DMV have been working on a MOU to amend the language on the forms with the goal of increasing the number of Californians who voluntarily agree to register with Donate Life California for organ and tissue donation. This bill codifies that effort by authorizing DMV to enter into an MOU with Donate Life California to rework the form instead of Donate Life California having to sponsor legislation in order to get the form changed.

*Previous Legislation:* 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 administered by the four federally-designated OPOs. 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**

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##### **Opposition**

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