

Date of Hearing: June 25, 2018

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

SB 987 (Galgiani) – As Amended June 20, 2018

**SENATE VOTE:** 38-0

**SUBJECT:** Driver's licenses: organ and tissue donation registry: consent

**SUMMARY:** Adds the following disclosure to the Department of Motor Vehicles (DMV) driver's license and identification application form related to the choice not to register as an organ donor: "If you marked 'I do not wish to register to be an organ or tissue donor at this time' you are relying on direction in your Durable Power of Attorney for Healthcare or if none exists, the decision of your family member/agent as defined in the California Uniform Anatomical Gift Act."

**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:**

*Organ Donation in California:* Since 2001, California has provided for an Organ and Tissue Donor register on DMV registration forms. There are over 14 million Californians registered to

be an organ donor, over 90% of which came through the consent form on DMV's driver's license or ID card application form.

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.

However, not registering as an organ donor does not guarantee your organs will not be donated. 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.

According to Donate Life, California lags behind the national average in the percentage of adults who are registered as donors. 50% of American adults are registered, compared to only 40% of Californians.

*Current DMV Form and This Bill:* When you go to DMV to fill out your registration form, there are three check boxes on the application under the organ & 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.

This bill adds an additional disclosure to the one in statute that is already on the back of DMV's current application form for the "I do not wish to register" check box. This disclosure states: If you marked 'I do not wish to register to be an organ or tissue donor at this time' you are relying on direction in your Durable Power of Attorney for Healthcare or if none exists, the decision of your family member/agent as defined in the California Uniform Anatomical Gift Act."

*Past 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 any peoples 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.

**REGISTERED SUPPORT / OPPOSITION:****Support**

Donate Life California (Sponsor)

**Opposition**

None on file

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