

ANATOMICAL GIFTS

Senate Bill 458 with House committee amendments

Sponsor: Sen. John Schwarz

House Bill 4031 as passed by the Senate

Sponsor: Rep. Lingg Brewer

House Bill 4620 as passed by the Senate

Sponsor: Rep. Lynne Martinez

Third Analysis (5-19-98)

House Committee: Transportation
Senate Committee: Health Policy and Senior Citizens

THE APPARENT PROBLEM:

Michigan's voluntary anatomical gift program does not meet the growing demand for organs and tissue. The number of Michigan organ donors stands at 16.9 per million population, a rate below the national average of 21.2 per million population. Further, Michigan's anatomical gift donor rate has been declining since 1994 when the rate was 20.2 per million. Currently 2,266 Michigan citizens await organ transplants (1,567 needing kidneys, 234 livers, 187 corneas, 122 lungs, 85 pancreases, 70 hearts, and 1 heart/lung). As of June 1, 1997, 181 Michigan citizens had received organ transplants and 54 had died awaiting a transplant. Nationwide, the number of waiting patients has increased from 16,026 in 1988 to 44,101 waiting patients in 1995.

Michigan's voluntary anatomical gift program is part of a national effort. The National Organ Transplant Act of 1984 created the Organ Procurement and Transplant Network. Administration of the network was assigned to the federal Department of Health and Human Services, which subsequently contracted with the United Network for Organ Sharing (UNOS). UNOS, a non-profit, independent corporation, establishes the rules for organ allocation and supervises the recovery and distribution of organs throughout the country. All organ procurement organizations, transplant center hospitals, and histocompatibility laboratories are required to be

members of UNOS in order to participate in organ transplantation. Among UNOS's functions is the compilation of statistics, in order to ascertain and to coordinate both the availability and the location of donors and those who await transplant of organs and tissue.

In Michigan the anatomical gift program currently is coordinated by the Gift of Life Organ Procurement Agency of Michigan, designated by the national Health Care Finance Administration to serve as Michigan's transplantation society. The organization maintains a central registry of those who wish to donate their organs or tissue after death, working cooperatively with the Michigan Tissue Bank and the Michigan Eye Bank.

Although a citizen may make known his or her willingness to donate an anatomical gift in a will, during the driver's license or personal identification card application and renewal processes administered by the Department of State, or by completing a uniform donor card as specified by section 10104 of the Public Health Code, few citizens are aware of the voluntary anatomical gift donor program. Additionally, citizens also are unaware that organs and tissue are urgently needed for transplantation, and that a central donor registry exists to record their participation in the anatomical gift program.

THE CONTENT OF THE BILLS:

House Bill 4031, House Bill 4620, and Senate Bill 458 are tie-barred to each other. Together, the bills would expand the Michigan anatomical gift donation program.

House Bill 4031 would amend the act that provides for a personal identification card (MCL 28.292). The bill would require that the official state personal identification card contain a statement that the person is an organ and tissue donor pursuant to part 101 of the Public Health Code. If the identification card contained such a statement, that statement would be required to include the signature of the person along with the signature of at least one witness.

In conjunction with the issuance of an official state personal identification card, the secretary of state would be required to provide the applicant with all of the following: a written statement explaining the applicant's right to make an anatomical gift in the event of death; written information that would provide the applicant an opportunity to designate an anatomical gift and to be included in the state's central anatomical gift registry, a service provided by Michigan's organ procurement agency (designated by the federal Health Care Finance Administration of the Department of Health and Human Services) called the Gift of Life Transplantation Society of Michigan, or its successor organization; the opportunity to specify on his or her official state personal identification card that he or she is willing to make an anatomical gift in the event of death; and written information to explain that the secretary of state will forward the applicant's name and address to the organ donation registry, if he or she is willing to participate.

Under the bill, the secretary of state could do one or more of the following to fulfill these requirements: provide printed materials enclosed with a mailed notice for the issuance or renewal of an official state personal identification card; provide printed material to an applicant who personally appears at a branch office; or, inform applicants through electronic information transmittals for applications processed by electronic means.

If the applicant indicates a willingness to place an organ on the donor registry, the bill would require that the secretary of state forward the applicant's name to the society within 10 days, by mail or electronic means, and would prohibit the secretary of state from maintaining a record of the name or address of an

individual who indicates a willingness to make an anatomical gift. Information collected for this purpose by the secretary of state would be exempt from disclosure under the Freedom of Information Act (MCL 15.243).

House Bill 4620 would amend the Michigan Vehicle Code (MCL 257.307) to require the secretary of state, in conjunction with the issuance of an operator's or chauffeur's license, to provide an applicant with all of the following: written information explaining the applicant's right to make an anatomical gift in the event of death; written information describing the organ donation registry program maintained by Michigan's organ procurement agency (designated by the federal Health Care Finance Administration of the Department of Health and Human Services) called the Gift of Life Transplantation Society of Michigan, or its successor organization; written information giving the applicant the opportunity to be placed on the organ donation registry; the opportunity to specify on his or her license that he or she is willing to make an anatomical gift in the event of death; and information explaining that if he or she indicates to the secretary of state a willingness to have his or her name placed on the organ donor registry, the secretary of state will forward the applicant's name and address to the organ donation registry program.

Under the bill, the secretary of state could fulfill these requirements by one or more of the following methods: providing printed materials enclosed with a mailed notice for a license renewal or issuance; providing printed material to an applicant who personally appears at a branch office; or, providing information through electronic information transmittals when licenses are processed by electronic means.

If the applicant indicates a willingness to have his or her name placed on the organ donor registry, the bill specifies that the secretary of state would be required to forward, either by mail or electronically, the applicant's name to the organ donor registry within 10 days, and would prohibit the secretary of state from maintaining a record of the name or address of an individual who indicates a willingness to make an anatomical gift. Further, the bill would specify that information about an applicant was exempt from disclosure under the Freedom of Information Act (MCL 15.243).

Senate Bill 458 would amend the Michigan Vehicle Code (MCL 257.310) to eliminate a current requirement that a driver's license contain a statement that the licensee has made an anatomical gift, and require instead that the license contain a statement that the licensee was an organ and tissue donor pursuant to the Public Health Code. The license also would have to contain the signature of the licensee following the indication of his or her organ and tissue donor intent, along with the signature of at least one witness.

FISCAL IMPLICATIONS:

The Senate Fiscal Agency reports that the general government appropriations act for fiscal year 1997-98 [Public Act 111 of 1997, sections 818(1) and (2)] sets aside a total of \$104,000 to pay for the costs that will be incurred by the Department of State in order to implement these bills. Of the total, \$40,000 is designated to cover the costs of re-design of the Department of State's brochure describing the anatomical gift donor program that is to be distributed with drivers' licenses and personal identification cards. The funds must be used to update and print a pamphlet that will explain the organ donation program and encourage people to become donors by marking a checkoff on drivers' license and personal identification card applications. Further, \$64,000 is designated to cover return postage on reply forms addressed to the Gift of Life Organization, that could be used by driver license applicants who wish to enroll in the program. (4-27-98)

ARGUMENT

For:

This legislation is intended to improve rates of organ donation; to reduce the time those awaiting organs and tissue must wait for transplants; and, to increase public awareness of the voluntary organ donation program. By identifying potential organ donors via the driver's license application and renewal process, many new donors' names may be added to the central donor registry.

For:

Demand for anatomical gifts far exceeds the supply, nationwide and in Michigan. According to data compiled by the United Network for Organ Sharing, the number of people awaiting donated organs at the

end of 1988 was 16,026; in 1995 that number had grown to 44,101. The number of donors in 1988 totaled 4,083 and had risen little by 1995, only to 5,346. The increase in the number of waiting patients has grown as the number of transplantable organs has increased. During the 1970s, kidneys chiefly were transplanted; during the 1980s, liver and heart transplantation became possible; now during the 1990s, lungs, pancreas, and intestines are transplantable. The existing voluntary anatomical gift program is in need of increased visibility and improved accessibility to potential donors, in order to increase the number of donors and donated organs and tissue. These bills will make enrollment in the voluntary program possible at the time of any driver's license renewal and application.

Against:

It is important that voluntary donors have an opportunity to withdraw from the donor registry should they change their mind about making an anatomical gift of organs or tissue. None of these bills describes a procedure that would enable a donor to withdraw from the registry.

For:

According to the Department of Surgery at Henry Ford Hospital, analysis of hospital death statistics shows that one-third of all potential organ donors actually become donors. Obstacles include the lack of awareness that organs are urgently needed, and the low consent rate by the next of kin. That consent rate of 30-50 percent is in clear contrast to public opinion polls that indicate that 85 percent of the population supports organ donation. In order to substantially increase the number of anatomical gifts, it is likely an ongoing public education effort will be necessary in order continually to inform citizens about the urgent need for life-giving organs and tissue. These bills allow that ongoing public education process to begin, using a statewide system to disseminate information. **Response:**

This program could be stronger still if applicants for driving licenses also had an opportunity to designate a donation that would be used to establish an education fund. In Illinois, the secretary of state's office maintains the donor registry directly. There, citizens are able to donate \$1 when they apply for a driver's license or license renewal. As a result, that state has an education fund with which to maintain high visibility for its anatomical gift donor program.

POSITIONS:

The Secretary of State's Office supports the bills. (5-14-98)

The Michigan State Medical Society supports the bills. (5-15-98)

The Michigan Health and Hospital Association supports the bills. (5-13-98)

The Gift of Life Organ Procurement Agency of Michigan supports the bills. (5-14-98)

The National Kidney Foundation of Michigan supports the bills. (5-15-98)

Michigan Eye-Bank and Transplantation Center supports the bills. (5-14-98)

Analyst: J. Hunault

■ 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.