



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 817 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Laura M. Toy
Committee: Health Policy

Date Completed: 6-30-04

RATIONALE

Gift of Life Michigan, the organization designated by the Federal government as Michigan's organ procurement agency, maintains the Michigan Organ and Tissue Donor Registry, which allows individuals to document their wishes to provide an anatomical gift upon death. Legislation was enacted in 1998 to increase public awareness of the Registry by requiring the Secretary of State (SOS), in conjunction with the issuance of an official State identification card or driver license, to provide information about the Registry, and give individuals an opportunity to register as organ donors. Additionally, the SOS displays posters and brochures about the Registry in branch offices, and mails an organ donor card to each individual along with his or her new license. Despite these public awareness and education efforts, only 7% of Michigan's residents have registered, according to Gift of Life Michigan. It has been suggested that a fund be created specifically to increase awareness of the Registry, and that individuals should have the opportunity to make a donation to the fund when they apply for a driver license.

CONTENT

The bill would amend the Michigan Vehicle Code to create the "Organ and Tissue Donation Education Fund"; and require the Secretary of State to provide an opportunity to make a donation to the Fund in conjunction with the issuance of a driver license.

The bill would create the Fund within the State Treasury. The State Treasurer could receive money or other assets from any source for deposit into the Fund, and would have to direct the Fund's investment. The

Treasurer would have to credit to the Fund interest and earnings from Fund investments. Money in the Fund at the close of the fiscal year would remain in the Fund, rather than lapse to the General Fund. The Secretary of State would have to spend Fund money only on programs and initiatives to encourage Michigan residents to place their names on the organ donor registry.

The bill also would require the Secretary of State to provide an applicant with the opportunity to make a donation of at least \$1 to the Fund, upon the issuance of an operator's or chauffeur's license. A donation collected under this provision would have to be deposited in the State Treasury to the credit of the Fund.

MCL 257.307 et al.

BACKGROUND

According to the Secretary of State's website, the Michigan Organ and Tissue Donor Registry is a confidential, electronic database that documents individuals' wishes regarding organ donation. It is available to authorized procurement-group personnel and hospital staff 24 hours per day, seven days per week. An individual may enroll either online or by fax or mail, by providing his or her name, address, and driver license number.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

According to Gift of Life, as of June 1, 2004, there were 2,674 people waiting for life-saving organ transplants in Michigan. In the first six months of 2004, 60 people died waiting for organ transplants. Although many people claim to support organ donation, only about 700,000 of Michigan's 10 million people, or 7%, actually have registered. This is in stark contrast to several other states in which the registration rate is approximately 40%.

It is critical that a person who wishes to make an anatomical gift document that wish on the Registry. Although a person may indicate his or her desire to be an organ donor in the event of his or her death by signing the back of his or her driver license, specifying that desire in a will, or filling out an organ donor card, it is not guaranteed that those documents will be available to hospital staff at the time of death. Family members might override an individual's stated intent if those documents are not readily available. According to a representative of the University of Michigan Health System, although more than 90% of Americans support the concept of organ donation, families consent to organ donation only about 50% of the time. The Registry, however, is accessible to hospitals 24 hours per day, seven days per week, making it the most timely and convenient means for a person to document his or her wishes and ensure that they are carried out.

Seventeen other states have passed legislation similar to Senate Bill 817 (S-2), according to Gift of Life, and raise hundreds of thousands of dollars every year for programs to encourage people to register as organ donors. Communication with states that successfully have enlarged their donor registries shows that a clear, consistent message regarding organ and tissue donation is important. The bill would provide funding for initiatives to inform people of the Registry's existence and identify factors that discourage people from becoming organ donors, helping to increase enrollment and save lives.

Opposing Argument

Although raising awareness of the Registry is a worthwhile cause, the bill could increase costs for the SOS without providing additional money to administer the Fund. The SOS is facing budget cuts in information technology, which would make creating a

new system difficult. Furthermore, the SOS already bears the postage cost of the organ donor cards it mails with new driver licenses and State ID cards, as well as provides information about the Registry and allows people to sign up for it in branch offices and on the internet.

In addition to the activities mentioned above, the month of April is designated as "Donate Life Month" every year. Any public awareness campaign, no matter how broad, will fail to reach some people. Some people never get a driver license, and those who do would be notified about the Registry only every four years. It is questionable whether enough money would be donated to fund programs that would produce a significant increase in registration.

Furthermore, the bill would open the door for requirements that the SOS provide opportunities for people to donate to virtually any State fund at branch offices, regardless of whether the funds were related to driver licensing or any other SOS function.

Increasing the number of organ donors is an important public health goal. In fact, an SOS task force, which includes legislators, businesses, and nonprofit organizations, has been formed to generate ideas to encourage more people to register. It is uncertain whether this bill, however, would be an effective or cost-efficient way to address the shortage of organs.

Legislative Analyst: Julie Koval

FISCAL IMPACT

Approximately 2 million individuals renew driver licenses each year. The extent to which individuals would donate to the Organ and Tissue Donation Education Fund is not determinable. The Department of State would incur programming and ongoing administrative costs that are not funded by the bill.

Fiscal Analyst: Bill Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.