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BILL ANALYSIS



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Senate Bill 817 (as enrolled)  
Sponsor: Senator Laura M. Toy  
Senate Committee: Health Policy  
House Committee: Health Policy

**PUBLIC ACT 502 of 2004**

Date Completed: 1-5-04

### **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 was suggested that a fund should 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 amended 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 took effect December 29, 2004.

The bill creates the Fund within the State Treasury. The State Treasurer may receive money or other assets from any source for

deposit into the Fund, and must direct the Fund's investment. The Treasurer must credit to the Fund interest and earnings from Fund investments. Money in the Fund at the close of the fiscal year will remain in the Fund, rather than lapse to the General Fund. The State Treasurer must disburse money in the Fund to the Chronic Disease Division of the Department of Community Health (DCH) on a quarterly basis. The Chronic Disease Division may use Fund money only to provide grants for programs and initiatives to encourage Michigan residents to place their names on the organ donor registry.

Up to eight percent of the money the State receives each year for deposit into the Fund may be used by the DCH and the SOS, collectively, for administrative expenses.

The bill also requires the Secretary of State to give an applicant 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 made under this provision must 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 December 1, 2004, there were 2,839 people waiting for life-saving organ transplants in Michigan. Since January 1, 2004, 133 people have 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, 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 will provide a source of 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, there is concern that eight percent of the Fund money will be insufficient to cover the State's administrative expenses, especially in the first year when the State will incur start-up costs. The SOS is facing budget cuts in information technology, which will 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 will be notified about the Registry only every four years. It is questionable whether enough money will be donated to fund programs that will produce a significant increase in registration.

Furthermore, the bill might 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 fund is 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, will 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 will donate to the Organ and Tissue Donation Education Fund is not determinable. The Department of State will 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.