

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bill 458 (as enrolled)  
Sponsor: Senator John J.H. Schwarz, M.D.  
Senate Committee: Health Policy and Senior Citizens  
House Committee: Health Policy

**PUBLIC ACT 226 of 1998**

Date Completed: 7-15-98

**RATIONALE**

There are over 200,000 people in the United States waiting for organ or tissue transplants, according to the Gift of Life Agency. Reportedly, this figure includes approximately 2,400 people in Michigan. The heart, liver, kidney, pancreas, bone, corneas, whole eyes, skin, heart valves, and veins of the leg can be transplanted from a deceased person to a person on a waiting list for organ or tissue donation. In many instances, the transplant recipient's quality of life is dramatically improved; in other cases, the recipient's life is saved.

It has been reported that the rate of organ and tissue donation has not increased to match the growing demand. The resulting shortage of organs and tissue for transplant has caused potential recipients to wait longer for a needed organ, while some critically ill persons have died waiting for a proper organ because none was available. Michigan's voluntary anatomical gift program is part of a national effort (coordinated in Michigan by the Gift of Life Agency), to maintain a central registry of those who wish to donate their organs or tissue after death. It has been pointed out that the rate of organ donation in Michigan is below the national rate, and has been declining. Reportedly, while a majority of the public approves of organ donation, few are aware of how to donate.

Part 101 of the Public Health Code contains the uniform anatomical gift law, which has been adopted by many states and prescribes procedures that a person may follow to donate organs or tissue, including donation by will or by completion of a uniform donor card. In addition, applicants for a Michigan driver's license may indicate a willingness to be a donor. Because of the low rate of donation, however, many people believe that

driver's license applicants, and applicants for State personal identification cards, should be better informed of their options to become donors, and that the Secretary of State should be required to notify the organ donor registry of persons who express willingness to be organ donors.

**CONTENT**

The bill amended the Michigan Vehicle Code to eliminate a requirement that a driver's license contain a statement that the licensee has made an anatomical gift; and to require instead that a license contain a statement that the licensee is an organ and tissue donor pursuant to Part 101 of the Public Health Code. The bill further provides that if the licensee has made this statement, then the license must contain the licensee's signature following the indication of intent, along with the signature of at least one witness.

The bill is tie-barred to House Bill 4031, which became Public Act 118 of 1998, and House Bill 4620, which became Public Act 120 of 1998. Public Act 118 amended Public Act 222 of 1972, which provides for the issuance of State personal identification cards, and Public Act 120 amended the Michigan Vehicle Code, to require the Secretary of State to give an applicant for a State personal identification card or a driver's license, respectively, certain information regarding the applicant's right to make an anatomical gift; and provide for the forwarding of anatomical gift information to a central registry.

MCL 257.310  
**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**

Demand for anatomical gifts far exceeds the supply, nationwide and in Michigan. The existing voluntary anatomical gift program is in need of increased visibility and improved accessibility to potential donors, in order to increase substantially the number of available organs and tissue. To accomplish this, it is likely that an ongoing public education effort will be necessary to inform citizens continually about the urgent need for life-giving organs and tissue. By identifying potential organ donors through the application process for driver's licenses and State identification cards, Senate Bill 458, in conjunction with House Bills 4031 and 4620, will increase the number of donors' names on the central donor registry. This will improve the rate of anatomical gifts and reduce the time that those needing organs and tissue must wait.

Legislative Analyst: G. Towne

### **FISCAL IMPACT**

Sections 818(1) and (2) of Public Act 111 of 1997 (General Government Appropriations Act for fiscal year 1997-98) state that \$40,000 shall be used for producing a pamphlet to be distributed with driver's licenses and personal identification cards regarding organ donations. 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 driver's license and personal identification card applications. Further, \$64,000 is earmarked for return postage costs for reply forms addressed to the Gift of Life Organization. In total, \$104,000 is appropriated to implement these provisions.

Fiscal Analyst: E. Limbs

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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.