

DRIVER EDUCATION: ORGAN DONATION INFO

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Senate Bill 1045 as passed by the Senate

Sponsor: Sen. John Gleason

Senate Committee: Transportation

House Committee: Transportation

First Analysis (3-2-10)

BRIEF SUMMARY: The bill would require that Segment Two of a driver education course provide instruction explaining an individual's right under the Public Health Code to make an anatomical gift in the event of death.

FISCAL IMPACT: There would appear to be no cost to state government. The bill assumes that materials will be provided to driver education programs free of charge by advocacy groups. If there were any increased costs to driver education courses, presumably they would be passed on to students.

THE APPARENT PROBLEM:

Legislation was enacted in 2005 intended to improve Michigan's organ donor registry, with the aim of increasing the number of organ and tissue transplants. The legislation established a heart insignia on the front of the driver license or state identification card to provide an easy, reliable way for citizens and medical personnel to verify that a resident has registered the wish to become an organ, tissue, or eye donor, and it requires the Secretary of State to inquire of licensees and applicants for identification cards whether they want to participate in the organ and tissue donor registry. Under the law, the Secretary of State must maintain a record of individuals who indicate a willingness to have their name placed on the donor registry and must maintain the donor registry so as to provide electronic access and the transfer of data to the state's federally designated organ procurement organization, tissue banks, and eye banks. The recent legislation is said to have significantly increased the number of potential donors.

Advocates for increasing participation in the donor registry believe more needs to be done and have recommended a new strategy: mandating donor education as a part of driver education courses. According to Gift of Life (Michigan's organ and tissue donation program), "this type of program is mandated in 17 states, and 20 additional states have established partnerships which recognize the necessity of educating teens on the importance of organ and tissue donation." Statistics from Gift of Life indicate that in neighboring states where donor education is part of driver education, participation in the donor registry is significantly higher. Wisconsin has 58 percent of drivers registered, Ohio 61 percent, and Minnesota 72 percent. Michigan has only 24 percent of drivers registered. These programs do not need to be extensive: 30 minutes of instruction is mandated in those other states. Furthermore, Indiana driver education courses, through a

voluntary program, use an eight-minute video program with an accompanying brochure. Indiana has 74 percent of drivers on the donor registry.

Advocates for mandatory organ donor education say that educational materials, whether in video form or in writing, would be provided without charge by program advocates for use by driver education programs.

THE CONTENT OF THE BILL:

The bill would require that Segment Two of a driver education course provide instruction explaining an individual's right under the Public Health Code to make an anatomical gift in the event of death. The bill amends the Driver Education Provider and Instructor Act (MCL 256.659).

[Segment Two is the course provided to students who have successfully completed a Segment One curriculum driver education course and who have held a valid level one graduated driver license for not less than three continuous months. Segment Two contains a minimum of six hours of classroom instruction.]

Instructional materials would be developed in cooperation with the federally-designated organ procurement organization for the state (i.e., Gift of Life Michigan) and include information on how to join the state organ, tissue, and eye donor registry.

The bill specifies that:

(1) If instructional material is provided at no cost to the driver education course in an electronic format and the course provider uses a compatible type of electronic medium, then the provider would be required to show the instruction material to students.

(2) If instructional material is provided at no cost to the driver education course in the form of a brochure or other written material, then the provider would have to provide the material to students.

HOUSE COMMITTEE ACTION:

The House Transportation Committee reported the Senate-passed version of the bill without amendments.

ARGUMENTS:

For:

Increasing the number of available organs and tissues available for donation will lead to an increase in the number of transplants and thus will save lives and improve the quality of life for more recipients. Increasing transplants in the long run can also reduce health care costs by reducing the reliance on expensive alternative treatments for certain diseases. When donation decisions are made in advance, it means families will be spared

those decisions in the midst of tragedy. Advocates say including organ donor education as part of driver education programs has helped to increase the number of drivers signing up for the donor registries in other states. Most of our neighboring states engage in this practice and have significantly higher participation rates. The bill does not mandate the length of the education segment. The programs do not have to be time-consuming; Indiana has had success with an eight-minute program, accompanied by written literature. Educating young people in this way, proponents say, will likely lead to important conversations in the home that will encourage more parents to consider registering as potential donors. The education program will be funded by outside sources and so will not affect state spending and should not affect the cost of driver education courses.

Against:

Opponents of the bill say the mandate is unnecessary and takes away from the core emphasis of Segment Two driver education classes on driver safety. Supplemental literature on the donor registry is already available in the brochures provided in Segment One classes. A variety of information is made available at the branch offices of the Secretary of State encouraging joining the donor registry, including posters. Many instructors already address the donor registry program. Representatives of the Department of State have said that Segment Two should focus like a laser on driver safety and point out that the department has opposed in the past a number of proposed specific mandated inclusions in the driver ed programs -- such as a requiring a certain specified amount of time to be spent on bicycle and motorcycle awareness. A better place for donor registry education would be in the health education curriculum in the schools, where instructors have students in the classroom for nine months of the year rather than for just six hours. Opponents also note that the state no longer funds driver education, and so should not micromanage course content.

POSITIONS:

Gift of Life testified in support of the bill. (2-25-10)

The Department of State testified in opposition to the bill. (2-25-10)

Legislative Analyst: Chris Couch

■ 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.