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BILL



ANALYSIS

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Senate Bill 1045 (as enacted)
Sponsor: Senator John J. Gleason
Senate Committee: Transportation
House Committee: Transportation

PUBLIC ACT 16 of 2010

Date Completed: 8-3-10

RATIONALE

Changes to State law have made it easy for Michigan residents to register to become organ donors when applying for a driver license or official State ID card. The law requires the Secretary of State (SOS) to provide an applicant for a driver license or personal ID card with information explaining his or her right to make an anatomical gift in the event of death. If the applicant indicates a desire to make an anatomical gift, the SOS must register the applicant in the donor registry and place a heart insignia on the front of the individual's driver license or ID card. Those provisions took effect in 2007. Although they evidently have led to increases in the number of registered organ donors in the State, some are concerned that young drivers do not have sufficient information to make an informed decision. It was suggested that information on organ donation should be provided as part of the driver education curriculum.

CONTENT

The bill amended the Driver Education Provider and Instructor Act to require a segment two driver education course to provide instruction explaining the right to make an anatomical gift in the event of death, as provided under the Revised Uniform Anatomical Gift Law.

Instructional materials to implement the bill must be developed in cooperation with the State's federally designated organ procurement organization (OPO) and must include information on how to join the State organ, tissue, and eye donor registry.

If instruction material is provided at no cost to the driver education provider in a compatible electronic medium, the provider must show the material to its students. If instruction material is provided at no cost to the provider in the form of a brochure or other written material, the provider must give the material to its students.

The bill took effect on March 18, 2010.

MCL 256.659

BACKGROUND

The Driver Education Provider and Instructor Act provides for two segments of driver education. The first segment must consist of at least 24 hours of classroom instruction and at least six hours of behind-the-wheel instruction.

After completing the segment one curriculum and meeting other requirements, the student is eligible for a level one graduated license, under which he or she may drive only with a parent or other designated adult.

After holding a valid level one graduated license for at least three continuous months and acquiring 30 or more hours of driving experience, the student is eligible for the segment two driver education course, which must consist of at least six hours of classroom instruction.

Under the Revised Uniform Anatomical Gift Law, a donor may make an anatomical gift by authorizing a statement or symbol to be

imprinted on the person's driver license or official State identification card, or by other specified means. An anatomical gift may be made by an adult donor, by a minor if he or she is emancipated or has been issued a driver license and is at least 16 years of age, or by the parent, guardian, or agent of a minor under certain circumstances.

Gift of Life Michigan is the designated organ procurement organization for most of the State, and the University of Wisconsin OPO is the designated OPO for northwestern Michigan, according to the organdonor.gov website.

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

Many young people are unaware of the opportunity to become an organ donor through the Secretary of State's office. Others may have unfounded fears about organ donation, such as the belief that a doctor may make less effort to keep a potential organ donor alive than the doctor would make for another patient, or concerns that donated organs may be sold on the black market. Consequently, when asked about registering to make an anatomical gift, they decline, even though public opinion polls evidently have shown that most people are willing to register as organ donors if given additional information correcting those misperceptions.

Michigan currently has much lower registration rates than states that educate student drivers on organ donation, according to Gift of Life Michigan. Organ procurement organizations measure registrations in two ways: the active registration rate, which is the percentage of those who choose to become donors when applying for or renewing a license, and the total registration rate, which is the percentage of residents who are registered as organ donors. Michigan has a total registration rate of about 17%, far less than the average of 36% among the 17 states that include information on organ donation as part of their driver education curricula. Michigan's active registration rate is only 10%, compared with an average of 46% for those other states. These figures indicate that

there is significant room for improvement in Michigan, and the bill will help to close that gap.

By requiring driver education providers to include material about anatomical gifts in the segment two driver education course, the bill will help to dispel common myths about organ donation that may discourage potential donors. According to Gift of Life Michigan, that instruction most likely will take the form of a short video and a brochure that may be distributed to instructors to be used in class, similar to the content currently included in Indiana's driver education curriculum.

The instructors will not have to become experts on organ donation, but will simply pass along information to students and direct them to additional sources for more details. By making students familiar with the issue, the bill may increase the percentage of new drivers who sign up to be organ donors, potentially saving lives.

Opposing Argument

The content of driver education courses should be restricted to teaching students how to drive. The time allotted for classroom instruction is limited, consisting of only 24 hours in the first segment and six hours in the second segment. Adding extraneous material to the curriculum will decrease the amount of time available to cover more relevant topics. Other interest groups have asked that short segments be added to the driver education curriculum, and it is impossible to grant all such requests.

The driver instruction manual "What Every Driver Must Know" already includes information on organ donation, including the name, telephone number, and website for Gift of Life Michigan and the Michigan Eye Bank. That manual is available in every SOS branch office, and usually is distributed to students in driver education classes, according to a spokesperson for the Secretary of State. If additional instruction on organ donation is needed, other venues might be more appropriate. For example, biology class would provide an ideal context for discussions of organ donation.

Response: The instruction will probably take no more than eight minutes of class time, and will fit well within the driver education curriculum because of the unique

relationship between the SOS and the organ donor registry. The SOS must give each license applicant the opportunity to become an organ donor, and the required information simply prepares individuals to make that decision. Providing in-class instruction also will be more effective than simply making the information available in a handbook, where it might be overlooked.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill will have no fiscal impact on State government. There might be an indeterminate cost associated with the requirement to include information on organ donation in driver education instructional materials. Any costs associated with the new requirement will likely result in increased program costs incurred by driver education students. The costs should be minimal, if any.

Fiscal Analyst: Joe Carrasco

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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.