



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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Senate Bill 541 (Substitute S-3 as reported)  
Sponsor: Senator John Proos  
Committee: Transportation

Date Completed: 2-16-16

### **RATIONALE**

The Michigan Vehicle Code requires the Secretary of State to give driver license applicants an opportunity to indicate that they are willing to be organ donors upon their death, and the Department of State maintains the Michigan Organ Donor Registry. According to the Secretary of State's office, more than 4.0 million people are on the Registry. According to the Gift of Life Michigan, however, this State ranks in the mid-30s out of the 50 states and territories with respect to adults registered to donate organs. To address this, it has been suggested the Secretary of State should be required to ask driver license applicants specifically if they wish to donate, in a manner similar to what is required in New York and elsewhere.

In 2012, the State of New York enacted legislation known as "Lauren's Law", which took effect in 2013. The Law was named after Lauren Shields, who nearly died while waiting to receive a heart transplant at a young age. The Law requires an individual to decide if he or she wishes to be an organ donor when completing an application for a driver license or nondriver identification card. Applications must contain a section requiring the applicant to decide whether he or she wants to be added to the New York's donor list with a "yes" or "skip this question" check-box answer. Reportedly, two-thirds of all states have similar legislation.

It has been suggested that enacting legislation similar to Lauren's Law in Michigan would increase the number of registered organ donors and promote awareness of the opportunity.

### **CONTENT**

**The bill would amend the Michigan Vehicle Code to do the following:**

- **Require the Secretary of State to inquire, orally or in writing, whether an applicant for an original or renewal operator's license or chauffeur's license wished to participate in the Anatomical Gift Donor Registry Program.**
- **Specify that the Secretary of State or an employee would not be civilly or criminally liable for the failure to inquire.**
- **Give the Secretary of State the option to provide organ donor information orally, rather than in printed material, when an applicant appeared at a branch office.**
- **Specify that the Secretary of State would not be required to maintain a record of an individual who did not indicate a willingness to have his or her name placed on the donor registry, or did not respond to the inquiry about participating in the Program.**

The Code requires the Secretary of State to give all of the following to an applicant for an operator's or chauffeur's license:

- Information explaining the applicant's right to make an anatomical gift in the event of death.
- Information describing the Anatomical Gift Donor Registry Program under Part 101 of the Public Health Code, including the address and telephone number of Michigan's federally designated organ procurement organization or its successor organization.
- Information giving the applicant the opportunity to be placed on the donor registry.

(Part 101 of the Public Health Code details the processes and regulations regarding the donation and receipt of anatomical gifts. Part 101 is titled the "Revised Uniform Anatomical Gift Law".)

The Secretary of State also must give the applicant the opportunity to specify on his or her operator's or chauffeur's license that he or she is willing to make an anatomical gift in the event of death. The Secretary of State must inform the applicant that if he or she indicates a willingness to have his or her name placed on the donor registry, the Secretary of State will mark the applicant's record for the donor registry.

The bill would require the Secretary of State also to specifically inquire, either orally or in writing, whether the applicant wished to participate in the Anatomical Gift Donor Registry Program under Part 101 of the Public Health Code. If the Secretary of State or an employee of the Secretary of State failed to inquire, neither the Secretary of State nor the employee would be civilly or criminally liable for the failure to inquire.

The Secretary of State currently may use one or more of the following methods to fulfill the existing requirements:

- Providing printed material enclosed with a mailed notice for an operator's or chauffeur's license renewal or the issuance of an operator's or chauffeur's license.
- Providing printed material to an applicant who personally appears at a Secretary of State branch office.
- Through electronic information transmittals for operator's and chauffeur's licenses processed by electronic means.

Under the bill, the Secretary of State also could fulfill the requirements by inquiring orally of applicants who personally appeared at a branch office.

The Secretary of State must maintain a record of an individual who indicates a willingness to have his or her name placed on the donor registry. The bill specifies that the Secretary of State would not be required to maintain a record of an individual who did not indicate a willingness to have his or her name placed on the donor registry, or an individual who did not respond to an inquiry, whether orally or in writing, as to whether the applicant wished to participate in the Anatomical Gift Donor Registry Program.

MCL 257.307

## **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**

In recent years, the Secretary of State's office has made it a priority to increase the number of registered organ donors without a cost to taxpayers. To achieve this goal, branch office employees are required to ask a customer if he or she wishes to sign up for the organ donor registry, if time permits.

In 2011, only 27% of Michigan adults were on the donor registry, according to the Secretary of State's Office, and the State's donor enrollment rates were among the lowest nationally. Since then, Michigan's organ donor enrollment ranking has increased to 35<sup>th</sup> in the country and has matched the national average with more than 4.0 million people registered, or roughly 52% of adults, as of July 2015. About 2.0 million people, or one-fifth of Michigan's population, have added their names to the donor registry in the last four years.

While this improvement is noteworthy, the State can do more. The practice of asking customers face-to-face if they wish to enroll in the State's donor registry can be highly effective, as about 85% of people who register do so through the Secretary of State's office. By codifying this practice,

the bill would continue to promote awareness of the opportunity to register, and increase the number of people who do so.

According to Gift of Life Michigan, more than 3,500 Michigan residents are waiting for organ transplants; every donor has the ability to save up to eight lives through organ donation, and improve up to 50 more through cornea and tissue donation.

Legislative Analyst: Drew Krogulecki

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco