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FISCAL IMPACT REPORT

ORIGINAL DATE 03/12/09
 LAST UPDATED 03/19/09 **HB** 890/aHHGAC/aHFI#1

SPONSOR Rodefer

SHORT TITLE Organ Donor Status Rejection **SB** _____

ANALYST Lucero

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$29.7		\$29.7	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Taxation and Revenue Department (TRD)
 Department of Health (DOH)

SUMMARY

Synopsis of HFI#1 Amendment

House Floor Amendment #1 to House Bill 890, as amended, changes the age to eighteen, as the age, under which the applicant would still have to sign a form authorizing that they be identified as an organ donor. In addition, the amendment exempts “a duly enrolled member of a federally recognized Indian nation, tribe, or pueblo” from the provisions of the bill.

Synopsis of HHGAC Amendment

House Health and Government Affairs Committee (HHGAC) amendment to House Bill 890 clarifies that a revocation, suspension, expiration or cancellation of a driver’s license or identification card does not invalidate the anatomical gift.

Synopsis of Original Bill

House Bill 890 proposes to amend Section 24-6B-5 NMSA 1978, the Anatomical Gift Act, to automatically identify all recipients of a driver’s license or identification card, who is fifteen years of age or older, as an organ donor unless they specifically reject that status on the application. Any applicant under fifteen years of age would still have to sign a form authorizing that they be identified as an organ donor.

FISCAL IMPLICATIONS

See administrative implications

SIGNIFICANT ISSUES

The bill would automatically identify all recipients of a driver's license or identification card, who is eighteen years of age or older, as an organ donor unless they specifically reject that status on the application. Any applicant under eighteen years of age would still have to sign a form authorizing that they be identified as an organ donor.

ADMINISTRATIVE IMPLICATIONS

This bill reverses the process by which a Motor Vehicle Department (MVD) customer is identified as an organ donor. Rather than having to make an intentional decision to become an organ donor, an applicant for a driver's license or identification card would have to make an intentional decision NOT to become an organ donor.

MVD would have to redesign and reprint the driver application form to change the form from the current election to be a donor to the required two alternative directions: 1) optional rejection of organ donor status for those persons age 18 and older; and 2) optional election of organ donor status for those persons under the age of 18. MVD estimates \$29.7 thousand to redesign and reprint the form and to replace form stock at field offices, with partners and at MVD's main office.

MVD already uses the "♥" symbol on front face of the driver's license to designate organ donors.

TECHNICAL ISSUES

The state's Jonathan Spradling Revised Uniform Anatomical Gift Act sets forth how a person can choose to make an anatomical gift (organ donation). Section 2 of this bill appears to violate the act in that it may not easily allow a person's basic right to choose what to do with their body. The bill takes away the affirmative choice by designating all applicants as organ donors, unless the applicant specifically rejects being a donor.

OTHER SUBSTANTIVE ISSUES

According to the Department of Health:

In the United States, more than 100,000 people await life-saving organ transplants. In New Mexico, 650 New Mexicans await kidney, heart, liver, lung, pancreas, and intestine transplants. A new name is added to the national waiting list every 11 minutes; an average of 132 people a day. Eighteen (18) patients die each day awaiting a transplant because the organ they needed was not available in time.

One organ donor can save the lives of up to 8 people. (Transplanted organs include the kidneys, liver, heart, lungs, pancreas and intestines.) One tissue donor can improve the lives of up to 50 people. (Transplanted tissues include corneas, heart valves, skin, bone, tendons, and veins.)

New Mexico residents applying for a driver's license would be required to consider becoming organ donors. They can say yes or no. More donors could potentially be designated by requiring that donor decisions be made at the time of obtaining driver's licenses.

Similar laws have been passed and/or considered in other states (New Jersey, Delaware). Other countries (Belgium, Spain) have more stringent "default to yes" laws, which make the assumption you are a donor unless you "opt out".

Minorities represent 79% of organ transplant candidates in New Mexico. Hispanics represent 41% of patients awaiting kidney transplants in New Mexico. Native Americans represent 34% of patients awaiting kidney transplants in New Mexico. Minorities are more likely to suffer from conditions that lead to organ failure, such as diabetes, hypertension, and hepatitis.

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