

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 40 (Senator Young)  
Judicial Proceedings

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**Motor Vehicle Administration - Organ Donation - Presumed Consent (Patricia Hanberry Gift of Life Act)**

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This bill requires the Motor Vehicle Administration (MVA) to notify an applicant for a new or renewal driver's license or identification card that the applicant is deemed to have consented to be an organ donor unless the applicant expressly chooses not to consent. The bill also makes mandatory the current authorization for MVA to make a notation on the driver's license or identification card indicating whether the holder of the license or card is a donor.

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**Fiscal Summary**

**State Effect:** Transportation Trust Fund (TTF) expenditures increase by about \$3,400 in FY 2014 only for reprogramming of MVA information technology systems and for revision, redesign, and replacement of driver's license and identification card forms. Revenues are unaffected.

**Local Effect:** None. The bill does not directly affect local operations or finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** MVA must provide a method for a driver's license or identification card applicant to designate that he or she consents to the gift of all body organs or parts for the purposes of transplantation, therapy, or medical research and education. This donor designation is sufficient legal authority for the removal of a body organ or part on the death of the donor, and the designation may be removed only on written notice to MVA

by the donor. If an applicant designates that he or she is a donor, MVA may make a notation on the card or license; MVA currently makes this notation for organ donors.

**Background:** According to the U.S. Department of Health and Human Services (HHS), more than 100 million people in the United States have signed up to be an organ donor and an average of 79 people receive an organ transplant each day. However, HHS reports that 18 people die each day while on the waiting list for an organ and that, as of January 16, 2013, 116,674 Americans are waiting for an organ donation.

According to the 2012 National Donor Designation Report Card from the organization Donate Life America, Maryland ranked twenty-eighth among states with a 50% donor designation share, which is the number of designated donors as a percentage of all state residents age 18 or older. The organization Presumed Consent Foundation advises that no state has yet enacted a “presumed consent” or “opt-out” law with respect to organ donation.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 171 (Delegate Clagett) – Environmental Matters.

**Information Source(s):** Department of Health and Mental Hygiene, Maryland Department of Transportation, U.S. Department of Health and Human Services, Donate Life America, Presumed Consent Foundation, Department of Legislative Services

**Fiscal Note History:** First Reader - January 25, 2013  
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