

SENATE BILL REPORT

ESHB 2842

As Reported By Senate Committee On:
Early Learning, K-12 & Higher Education, February 22, 2006

Title: An act relating to organ and tissue donor education and awareness.

Brief Description: Requiring that organ donation awareness be taught in public schools.

Sponsors: House Committee on Education (originally sponsored by Representatives B. Sullivan, Anderson, Quall, Tom, Chase and Simpson).

Brief History: Passed House: 2/13/06, 58-40.

Committee Activity: Early Learning, K-12 & Higher Education: 2/17/06, 2/22/06 [DP, DNP, w/oRec].

SENATE COMMITTEE ON EARLY LEARNING, K-12 & HIGHER EDUCATION

Majority Report: Do pass.

Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Schmidt, Ranking Minority Member; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller and Shin.

Minority Report: Do not pass.

Signed by Senator Carrell.

Minority Report: That it be referred without recommendation.

Signed by Senators Pflug and Schoesler.

Staff: Susan Mielke (786-7422)

Background: Current state law permits a person to make an anatomical gift of all or part of his or her body, including organs. The donor may indicate his or her intent to donate by signing a "document of gift." Individuals under the age of 18, but over 16, may make such a donation if the document of gift is also signed by either parent or a guardian of the donor. A document of gift may be attached or imprinted on a driver's license, a donor card, or other written statement of the donor's intentions.

In 2003, the Legislature created an organ and tissue donor registry to facilitate organ and tissue donations. The Legislature also created the Organ and Tissue Donation Awareness Account (Account). Funds for the Account come from donations made by applicants for vehicle registration and other sources. Periodically, the funds in the Account are transferred to a foundation for donation awareness to be used to educate the public about the organ and tissue donor registry and donation education programs.

According to the LifeCenter Northwest Donor Network, the federally designated organ procurement organization for the Northwest, approximately 1,200 people in the Northwest area need an organ donation. National statistics indicate that approximately half of the people

listed for an organ transplant will not receive one due to the shortage of donated organs. On average, 17 people across the nation die each day waiting for life-saving organ transplants.

Summary of Bill: Organ donation awareness must be taught in driver training courses of public schools and state licensed private driving schools. Organ donation awareness must include instruction regarding the organ and tissue donor registry. Instructional materials must be developed in coordination with the federally designated organ procurement organization for Washington. The costs of developing, distributing, and implementing the instruction regarding organ donation awareness is the responsibility of the foundation for donation awareness established by Washington State organ procurement organizations.

At least 14 days before teaching organ donation awareness, each school district providing the instruction must notify parents or guardians of the presentation and that the instructional materials are available for inspection. A student may be excused from the instruction if his or her parent or guardian requests, in writing, that the student be excused. The student may not be academically penalized, if excused.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Once people learn about organ donation, they tend to sign up to be organ donors. Prior to 2003, there was no centralized registry for donors. Now that Washington has the registry the next step is to make sure that people make informed decisions. Last year, LifeCenter Northwest volunteers provided organ donor awareness instruction across the state, including at some middle and high schools. These volunteers will be available to provide this instruction. The bill does not force anyone to donate. It is an extraordinary gift of giving an organ that helps those of us who receive them to live ordinary lives.

Testimony Against: There is a disconnect with the curriculum and the missions of the programs that this bill addresses. Organ donor information should be taught in a health class, not in a driver's education class. Traffic safety instructors are qualified to teach traffic safety but not sufficiently qualified to teach this information.

Testimony Other: We support the organ donation awareness program being taught in drivers' education classes. It makes sense because when students complete the driver's education classes the students will go to get their drivers' licenses and that is when they will be asked whether they want to be an organ donor. Students need this information to make an informed decision when they are asked that question. However, we are concerned with the requirement that schools notify parents of the program and provide an opportunity to opt out. We want parents involved but organ donation already involves the parent; parental approval is required for students below the age of 16 to be a donor.

Who Testified: PRO: Representative Brian Sullivan, prime sponsor; Vicki Austin, LifeCenter Northwest; Shirley Harney Taylor, LifeCenter Northwest; Lynn Larson, LifeCenter Northwest; Randy Small, LifeCenter Northwest; and Liz Luce, Department of Licensing.

CON: Michael Jackson, Washington Professional and Traffic Safety Education Association.

OTHER: Don Rash, Association of Washington School Principals.