

AMENDED IN ASSEMBLY APRIL 24, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2399

Introduced by Assembly Member John A. Pérez

February 21, 2014

An act to amend Section 1798.90.1 of the Civil Code, and to amend Section 7150.90 of the Health and Safety Code, relating to anatomical gifts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2399, as amended, John A. Pérez. Organ and tissue donor registry: driver's license information.

The Uniform Anatomical Gift Act authorizes specified state organ procurement organizations to establish a not-for-profit entity designated the California Organ and Tissue Donor Registrar, and requires that entity to establish and maintain the Donate Life California Organ and Tissue Donor Registry. The act requires the registrar to submit an annual written report to the State Public Health Officer and the Legislature with specified information, including the general characteristics of donors as may be determined by information provided on donor registry forms.

Existing law authorizes a business to swipe a driver's license or identification card issued by the Department of Motor Vehicles in any electronic device for prescribed verification and informational purposes. Existing law prohibits a business that swipes a driver's license or identification card in an electronic device from maintaining or using that information for any other purpose. A violation of those provisions is a misdemeanor.

This bill would authorize an organ procurement organization, as defined, to swipe a driver’s license or identification card to transmit information to the registry described above for the purpose of allowing an individual to identify himself or herself as a registered organ donor. *The bill would require that information gathered or transmitted pursuant to this authorization comply with the Department of Motor Vehicles Information Security Agreement.* The bill would *revise the reference to general characteristics of donors, described above, to instead refer to aggregated data of donors and would require the registrar’s annual report to include the ~~general characteristics~~ aggregated data of donors as may be determined by information transmitted to the registry, as specified.* By expanding the types of information that a business may obtain, the unauthorized retention or use of which would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1798.90.1 of the Civil Code is amended
 2 to read:
 3 1798.90.1. (a) (1) A business may swipe a driver’s license or
 4 identification card issued by the Department of Motor Vehicles in
 5 any electronic device for the following purposes:
 6 (A) To verify age or the authenticity of the driver’s license or
 7 identification card.
 8 (B) To comply with a legal requirement to record, retain, or
 9 transmit that information.
 10 (C) To transmit information to a check service company for the
 11 purpose of approving negotiable instruments, electronic funds
 12 transfers, or similar methods of payments, provided that only the
 13 name and identification number from the license or the card may
 14 be used or retained by the check service company.

1 (D) To collect or disclose personal information that is required
2 for reporting, investigating, or preventing fraud, abuse, or material
3 misrepresentation.

4 (2) An organ procurement organization may swipe a driver's
5 license or identification card issued by the Department of Motor
6 Vehicles in any electronic device to transmit information to the
7 Donate Life California Organ and Tissue Donor Registry
8 established pursuant to Section 7150.90 of the Health and Safety
9 Code for the purposes of allowing an individual to identify himself
10 or herself as a registered organ donor. *Information gathered or*
11 *transmitted pursuant to this paragraph shall comply with the*
12 *Department of Motor Vehicles Information Security Agreement.*

13 (3) A business or organ procurement organization shall not
14 retain or use any of the information obtained by that electronic
15 means for any purpose other than as provided herein.

16 (b) As used in this section:

17 (1) "Business" means a proprietorship, partnership, corporation,
18 or any other form of commercial enterprise.

19 (2) "Organ procurement organization" means a person
20 designated by the Secretary of the federal Department of Health
21 and Human Services as an organ procurement organization.

22 (c) A violation of this section constitutes a misdemeanor
23 punishable by imprisonment in a county jail for no more than one
24 year, or by a fine of no more than ten thousand dollars (\$10,000),
25 or by both.

26 SEC. 2. Section 7150.90 of the Health and Safety Code is
27 amended to read:

28 7150.90. (a) The California organ procurement organizations
29 designated pursuant to Section 273 and following of Title 42 of
30 the United States Code, are hereby authorized to establish a
31 not-for-profit entity that shall be designated the California Organ
32 and Tissue Donor Registrar, which shall establish and maintain
33 the California Organ and Tissue Donor Registry, to be known as
34 the Donate Life California Organ and Tissue Donor Registry. The
35 registry shall contain information regarding persons who have
36 identified themselves as organ and tissue donors upon their death.
37 The registrar shall be responsible for developing methods to
38 increase the number of donors who enroll in the registry.

39 (b) The registrar shall make available to the federally designated
40 organ procurement organizations (OPOs) in California and the

1 state licensed tissue and eye banks information contained in the
2 registry regarding potential donors on a 24-hour-a-day,
3 seven-day-a-week basis. This information shall be used to expedite
4 a match between identified organ and tissue donors and potential
5 recipients.

6 (c) The registrar may receive voluntary contributions to support
7 the registry and its activities.

8 (d) The registrar shall submit an annual written report to the
9 State Public Health Officer and the Legislature that includes all
10 of the following:

- 11 (1) The number of donors on the registry.
- 12 (2) The changes in the number of donors on the registry.
- 13 (3) ~~The general characteristics~~ *aggregated data* of donors as
14 may be determined by information provided on the donor registry
15 forms pursuant to Sections 12811 and 13005 of the Vehicle Code.
- 16 (4) ~~The general characteristics~~ *aggregated data* of donors as
17 may be determined by information transmitted to the registry
18 pursuant to Section 1798.90.1 of the Civil Code to identify an
19 individual as a registered organ donor.

20 SEC. 3. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.