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AB-1800 Driver's licenses: bone marrow and blood stem cell registry. (2021-2022)

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Assembly Bill No. 1800

CHAPTER 952

An act to add Section 12811.4 to the Vehicle Code, relating to driver's licenses.

[Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1800, Low. Driver's licenses: bone marrow and blood stem cell registry.

Existing law, the Uniform Anatomical Gift Act, authorizes the creation of a not-for-profit entity to be designated as the California Organ and Tissue Donor Registrar and requires that entity to establish and maintain the Donate Life California Organ and Tissue Donor Registry for persons who have identified themselves as organ and tissue donors upon their death. Existing law requires the Department of Motor Vehicles, upon issuance of a new driver's license or a renewal of a driver's license or the issuance of an identification card, to provide information on organ and tissue donation. Existing law requires an application for an original or renewal driver's license or identification card to contain a space for the applicant to enroll in the Donate Life California Organ and Tissue Donor Registry.

This bill would enact Charlie's Law to require, beginning January 1, 2027, an electronic application for an original or renewal driver's license or identification card to contain a solicitation for the applicant to enroll in the National Marrow Donor Program's (NMDP) registry as a bone marrow or blood stem cell donor. The bill would provide that an applicant's election to enroll in the NMDP's registry constitutes consent to their information being transmitted to the NMDP for the purposes of completing enrollment in the registry. The bill would require the department to enter into a memorandum of understanding with the NMDP, as specified, and to transmit weekly specified applicant information to the NMDP.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) In 1987, Congress established a national registry of bone marrow donors, and since its inception, Congress has entrusted the operation of the nation's registry to the National Marrow Donor Program.

(b) In order to ensure that all patients have an equal chance of finding a match regardless of racial or ethnic background, there is a specific need to increase awareness among African Americans, Latinx, Asian and Pacific Islanders, Native Americans, and other underrepresented groups.

(c) Patients' lives, not only in California, but globally, depend on Californians' willingness to become a potential donor. The State of California will provide education and awareness to empower its citizens to become lifesaving bone marrow donors.

(d) The bone marrow registration process is simple and requires completing a medical questionnaire and a cheek swab.

SEC. 2. Section 12811.4 is added to the Vehicle Code, to read:

12811.4. (a) This section shall be known, and may be cited, as Charlie's Law.

(b) An electronic application for an original or renewal driver's license or identification card shall contain a solicitation for the applicant to enroll in the registry operated by the National Marrow Donor Program. The application shall include a question regarding enrollment pursuant to subdivision (c) and check boxes for an applicant to mark either of the following:

(1) Yes, I would like to enroll in the registry to be a potential bone marrow or blood stem cell donor. I consent to my information being shared with the National Marrow Donor Program for the purposes of enrollment. I understand that I am not enrolled at this time and must complete the National Marrow Donor Program enrollment forms and cheek swab to be a registered bone marrow donor. I am aware that after enrollment, if matched, I have the ability to refuse to donate at any point.

(2) No, I do not wish to enroll at this time.

(c) An applicant's election to enroll in the National Marrow Donor Program's registry shall constitute consent to their information being transmitted to the National Marrow Donor Program for the purposes of completing enrollment in the registry. After submitting their electronic application for an original or renewal driver's license or identification card, the applicant shall receive a followup communication to complete the National Marrow Donor Program application.

(d) The department shall enter into a memorandum of understanding with the National Marrow Donor Program to mutually agree upon both of the following:

(1) The language of the question of enrollment required by subdivision (b). The language may define enrollment and donor requirements, including, but not limited to, limits on the transferring of data to only those eligible for enrollment in the National Marrow Donor Program, and may provide the corresponding disclosures.

(2) The language of the followup communication described in subdivision (c).

(e) On a weekly basis, the department shall electronically transmit to the National Marrow Donor Program all of the following information from every application that indicates the applicant's intent to enroll as a potential bone marrow or blood stem cell donor:

(1) The applicant's true full name.

(2) The applicant's residence or mailing address.

(3) The applicant's date of birth.

(4) The applicant's telephone number.

(5) The applicant's email address.

(f) The department and the California Health and Human Services Agency shall post the enrollment form on its internet website.

(g) Enrollment in the National Marrow Donor Program registry through the department does not constitute a legal document pursuant to the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code) and does not require registrants to donate if they are matched.

(h) Information obtained by the National Marrow Donor Program shall be used only for registry operations consistent with the informed consent of the applicant. Information obtained by the National Marrow Donor Program for the purposes of this section shall not be disseminated further by the National Marrow Donor Program.

(i) A public entity or its employee shall not be liable for loss, detriment, or injury resulting directly or indirectly from false or inaccurate information contained in the enrollment form provided pursuant to this section.

(j) This section shall become operative on January 1, 2027.