

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 30 Session of 2015

INTRODUCED BY PETRARCA, CUTLER, BARBIN, PHILLIPS-HILL, EVERETT, MILLARD, IRVIN, D. COSTA, MACKENZIE, GOODMAN, ROZZI, DRISCOLL, O'BRIEN, GIBBONS, A. HARRIS, RAVENSTAHL, KILLION, PASHINSKI, McNEILL, WATSON, HARHAI, SAYLOR, MILNE, COHEN, THOMAS, B. MILLER, TOOHL, P. COSTA, KORTZ, KIM, BRIGGS, SCHREIBER, BOYLE, JOZWIAK, DeLUCA, REGAN, KINSEY, DAVIS, GERGELY, LONGIETTI, ORTITAY, ELLIS, HICKERNELL, KAUFER, BRADFORD, GROVE, PYLE, DiGIROLAMO, DEASY, ZIMMERMAN, FABRIZIO, MATZIE, MUSTIO, GODSHALL, STURLA, KOTIK, MARKOSEK, CARROLL, YOUNGBLOOD, M. DALEY, SIMS, DeLISSIO, DERMODY, MAHONEY, J. HARRIS, TOBASH, SCHWEYER, WHEATLEY, McCARTER, DEAN, DAWKINS, W. KELLER, DAVIDSON, FARINA, D. MILLER, FLYNN, ROEBUCK, FRANKEL, P. DALEY, MULLERY, VITALI, HANNA, GALLOWAY, ACOSTA, GAINNEY, FREEMAN, CONKLIN, MOUL AND BURNS, JANUARY 21, 2016

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 17, 2016

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, IN HEALTH CARE, FURTHER <--
3 PROVIDING FOR EXAMPLE; in anatomical gifts, further providing
4 for definitions, for persons who may execute anatomical gift,
5 for persons who may become donees and purposes for which
6 anatomical gifts may be made, for manner of executing
7 anatomical gifts, for amendment or revocation of gift, for
8 rights and duties at death, for requests for anatomical
9 gifts, for use of driver's license or identification card to
10 indicate organ or tissue donation, for the Governor Robert P.
11 Casey Memorial Organ and Tissue Donation Awareness Trust Fund
12 contributions, for the Governor Robert P. Casey Memorial
13 Organ and Tissue Donation Awareness Trust Fund, for
14 confidentiality requirement and for prohibited activities;
15 providing for promotion of organ and tissue donation;
16 establishing the Donate Life PA Registry; providing for
17 facilitation of anatomical gift from decedent whose death is
18 under investigation, for collaboration among departments and
19 organ procurement organizations, for information relative to
20 organ and tissue donation, FOR DEPARTMENT OF TRANSPORTATION, <--

1 FOR DEPARTMENT OF CORRECTIONS, for requirements for physician
2 and nurse training relative to organ and tissue donation and
3 recovery, for uniformity of application and construction and
4 for relation to Electronic Signatures in Global and National
5 Commerce Act; and repealing provisions relating to corneal
6 transplants.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 ~~Section 1. The definitions of "advisory committee," "bank or <--~~
10 ~~storage facility," "decedent" and "organ procurement~~
11 ~~organization" in section 8601 of Title 20 of the Pennsylvania~~
12 ~~Consolidated Statutes are amended and the section is amended by~~
13 ~~adding definitions to read:~~

14 SECTION 1. SECTION 5471 OF TITLE 20 OF THE PENNSYLVANIA <--
15 CONSOLIDATED STATUTES IS AMENDED TO READ:
16 § 5471. EXAMPLE.

17 THE FOLLOWING IS AN EXAMPLE OF A DOCUMENT THAT COMBINES A
18 LIVING WILL AND HEALTH CARE POWER OF ATTORNEY:

19 DURABLE HEALTH CARE POWER OF ATTORNEY
20 AND HEALTH CARE TREATMENT INSTRUCTIONS
21 (LIVING WILL)

22 PART I
23 INTRODUCTORY REMARKS ON
24 HEALTH CARE DECISION MAKING

25 YOU HAVE THE RIGHT TO DECIDE THE TYPE OF HEALTH CARE YOU
26 WANT.

27 SHOULD YOU BECOME UNABLE TO UNDERSTAND, MAKE OR
28 COMMUNICATE DECISIONS ABOUT MEDICAL CARE, YOUR WISHES FOR
29 MEDICAL TREATMENT ARE MOST LIKELY TO BE FOLLOWED IF YOU
30 EXPRESS THOSE WISHES IN ADVANCE BY:

- 31 (1) NAMING A HEALTH CARE AGENT TO DECIDE TREATMENT
- 32 FOR YOU; AND
- 33 (2) GIVING HEALTH CARE TREATMENT INSTRUCTIONS TO

1 YOUR HEALTH CARE AGENT OR HEALTH CARE PROVIDER.
2 AN ADVANCE HEALTH CARE DIRECTIVE IS A WRITTEN SET OF
3 INSTRUCTIONS EXPRESSING YOUR WISHES FOR MEDICAL TREATMENT. IT
4 MAY CONTAIN A HEALTH CARE POWER OF ATTORNEY, WHERE YOU NAME A
5 PERSON CALLED A "HEALTH CARE AGENT" TO DECIDE TREATMENT FOR
6 YOU, AND A LIVING WILL, WHERE YOU TELL YOUR HEALTH CARE AGENT
7 AND HEALTH CARE PROVIDERS YOUR CHOICES REGARDING THE
8 INITIATION, CONTINUATION, WITHHOLDING OR WITHDRAWAL OF LIFE-
9 SUSTAINING TREATMENT AND OTHER SPECIFIC DIRECTIONS.

10 YOU MAY LIMIT YOUR HEALTH CARE AGENT'S INVOLVEMENT IN
11 DECIDING YOUR MEDICAL TREATMENT SO THAT YOUR HEALTH CARE
12 AGENT WILL SPEAK FOR YOU ONLY WHEN YOU ARE UNABLE TO SPEAK
13 FOR YOURSELF OR YOU MAY GIVE YOUR HEALTH CARE AGENT THE POWER
14 TO SPEAK FOR YOU IMMEDIATELY. THIS COMBINED FORM GIVES YOUR
15 HEALTH CARE AGENT THE POWER TO SPEAK FOR YOU ONLY WHEN YOU
16 ARE UNABLE TO SPEAK FOR YOURSELF. A LIVING WILL CANNOT BE
17 FOLLOWED UNLESS YOUR ATTENDING PHYSICIAN DETERMINES THAT YOU
18 LACK THE ABILITY TO UNDERSTAND, MAKE OR COMMUNICATE HEALTH
19 CARE DECISIONS FOR YOURSELF AND YOU ARE EITHER PERMANENTLY
20 UNCONSCIOUS OR YOU HAVE AN END-STAGE MEDICAL CONDITION, WHICH
21 IS A CONDITION THAT WILL RESULT IN DEATH DESPITE THE
22 INTRODUCTION OR CONTINUATION OF MEDICAL TREATMENT. YOU, AND
23 NOT YOUR HEALTH CARE AGENT, REMAIN RESPONSIBLE FOR THE COST
24 OF YOUR MEDICAL CARE.

25 IF YOU DO NOT WRITE DOWN YOUR WISHES ABOUT YOUR HEALTH
26 CARE IN ADVANCE, AND IF LATER YOU BECOME UNABLE TO
27 UNDERSTAND, MAKE OR COMMUNICATE THESE DECISIONS, THOSE WISHES
28 MAY NOT BE HONORED BECAUSE THEY MAY REMAIN UNKNOWN TO OTHERS.

29 A HEALTH CARE PROVIDER WHO REFUSES TO HONOR YOUR WISHES
30 ABOUT HEALTH CARE MUST TELL YOU OF ITS REFUSAL AND HELP TO

1 TRANSFER YOU TO A HEALTH CARE PROVIDER WHO WILL HONOR YOUR
2 WISHES.

3 YOU SHOULD GIVE A COPY OF YOUR ADVANCE HEALTH CARE
4 DIRECTIVE (A LIVING WILL, HEALTH CARE POWER OF ATTORNEY OR A
5 DOCUMENT CONTAINING BOTH) TO YOUR HEALTH CARE AGENT, YOUR
6 PHYSICIANS, FAMILY MEMBERS AND OTHERS WHOM YOU EXPECT WOULD
7 LIKELY ATTEND TO YOUR NEEDS IF YOU BECOME UNABLE TO
8 UNDERSTAND, MAKE OR COMMUNICATE DECISIONS ABOUT MEDICAL CARE.
9 IF YOUR HEALTH CARE WISHES CHANGE, TELL YOUR PHYSICIAN AND
10 WRITE A NEW ADVANCE HEALTH CARE DIRECTIVE TO REPLACE YOUR OLD
11 ONE. IT IS IMPORTANT IN SELECTING A HEALTH CARE AGENT THAT
12 YOU CHOOSE A PERSON YOU TRUST WHO IS LIKELY TO BE AVAILABLE
13 IN A MEDICAL SITUATION WHERE YOU CANNOT MAKE DECISIONS FOR
14 YOURSELF. YOU SHOULD INFORM THAT PERSON THAT YOU HAVE
15 APPOINTED HIM OR HER AS YOUR HEALTH CARE AGENT AND DISCUSS
16 YOUR BELIEFS AND VALUES WITH HIM OR HER SO THAT YOUR HEALTH
17 CARE AGENT WILL UNDERSTAND YOUR HEALTH CARE OBJECTIVES.

18 YOU MAY WISH TO CONSULT WITH KNOWLEDGEABLE, TRUSTED
19 INDIVIDUALS SUCH AS FAMILY MEMBERS, YOUR PHYSICIAN OR CLERGY
20 WHEN CONSIDERING AN EXPRESSION OF YOUR VALUES AND HEALTH CARE
21 WISHES. YOU ARE FREE TO CREATE YOUR OWN ADVANCE HEALTH CARE
22 DIRECTIVE TO CONVEY YOUR WISHES REGARDING MEDICAL TREATMENT.
23 THE FOLLOWING FORM IS AN EXAMPLE OF AN ADVANCE HEALTH CARE
24 DIRECTIVE THAT COMBINES A HEALTH CARE POWER OF ATTORNEY WITH
25 A LIVING WILL.

26 NOTES ABOUT THE USE OF THIS FORM

27 IF YOU DECIDE TO USE THIS FORM OR CREATE YOUR OWN ADVANCE
28 HEALTH CARE DIRECTIVE, YOU SHOULD CONSULT WITH YOUR PHYSICIAN
29 AND YOUR ATTORNEY TO MAKE SURE THAT YOUR WISHES ARE CLEARLY
30 EXPRESSED AND COMPLY WITH THE LAW.

1 IF YOU DECIDE TO USE THIS FORM BUT DISAGREE WITH ANY OF
2 ITS STATEMENTS, YOU MAY CROSS OUT THOSE STATEMENTS.

3 YOU MAY ADD COMMENTS TO THIS FORM OR USE YOUR OWN FORM TO
4 HELP YOUR PHYSICIAN OR HEALTH CARE AGENT DECIDE YOUR MEDICAL
5 CARE.

6 THIS FORM IS DESIGNED TO GIVE YOUR HEALTH CARE AGENT
7 BROAD POWERS TO MAKE HEALTH CARE DECISIONS FOR YOU WHENEVER
8 YOU CANNOT MAKE THEM FOR YOURSELF. IT IS ALSO DESIGNED TO
9 EXPRESS A DESIRE TO LIMIT OR AUTHORIZE CARE IF YOU HAVE AN
10 END-STAGE MEDICAL CONDITION OR ARE PERMANENTLY UNCONSCIOUS.
11 IF YOU DO NOT DESIRE TO GIVE YOUR HEALTH CARE AGENT BROAD
12 POWERS, OR YOU DO NOT WISH TO LIMIT YOUR CARE IF YOU HAVE AN
13 END-STAGE MEDICAL CONDITION OR ARE PERMANENTLY UNCONSCIOUS,
14 YOU MAY WISH TO USE A DIFFERENT FORM OR CREATE YOUR OWN. YOU
15 SHOULD ALSO USE A DIFFERENT FORM IF YOU WISH TO EXPRESS YOUR
16 PREFERENCES IN MORE DETAIL THAN THIS FORM ALLOWS OR IF YOU
17 WISH FOR YOUR HEALTH CARE AGENT TO BE ABLE TO SPEAK FOR YOU
18 IMMEDIATELY. IN THESE SITUATIONS, IT IS PARTICULARLY
19 IMPORTANT THAT YOU CONSULT WITH YOUR ATTORNEY AND PHYSICIAN
20 TO MAKE SURE THAT YOUR WISHES ARE CLEARLY EXPRESSED.

21 THIS FORM ALLOWS YOU TO TELL YOUR HEALTH CARE AGENT YOUR
22 GOALS IF YOU HAVE AN END-STAGE MEDICAL CONDITION OR OTHER
23 EXTREME AND IRREVERSIBLE MEDICAL CONDITION, SUCH AS ADVANCED
24 ALZHEIMER'S DISEASE. DO YOU WANT MEDICAL CARE APPLIED
25 AGGRESSIVELY IN THESE SITUATIONS OR WOULD YOU CONSIDER SUCH
26 AGGRESSIVE MEDICAL CARE BURDENSOME AND UNDESIRABLE?

27 YOU MAY CHOOSE WHETHER YOU WANT YOUR HEALTH CARE AGENT TO
28 BE BOUND BY YOUR INSTRUCTIONS OR WHETHER YOU WANT YOUR HEALTH
29 CARE AGENT TO BE ABLE TO DECIDE AT THE TIME WHAT COURSE OF
30 TREATMENT THE HEALTH CARE AGENT THINKS MOST FULLY REFLECTS

1 YOUR WISHES AND VALUES.

2 IF YOU ARE A WOMAN AND DIAGNOSED AS BEING PREGNANT AT THE
3 TIME A HEALTH CARE DECISION WOULD OTHERWISE BE MADE PURSUANT
4 TO THIS FORM, THE LAWS OF THIS COMMONWEALTH PROHIBIT
5 IMPLEMENTATION OF THAT DECISION IF IT DIRECTS THAT LIFE-
6 SUSTAINING TREATMENT, INCLUDING NUTRITION AND HYDRATION, BE
7 WITHHELD OR WITHDRAWN FROM YOU, UNLESS YOUR ATTENDING
8 PHYSICIAN AND AN OBSTETRICIAN WHO HAVE EXAMINED YOU CERTIFY
9 IN YOUR MEDICAL RECORD THAT THE LIFE-SUSTAINING TREATMENT:

10 (1) WILL NOT MAINTAIN YOU IN SUCH A WAY AS TO PERMIT THE
11 CONTINUING DEVELOPMENT AND LIVE BIRTH OF THE UNBORN CHILD;

12 (2) WILL BE PHYSICALLY HARMFUL TO YOU; OR

13 (3) WILL CAUSE PAIN TO YOU THAT CANNOT BE ALLEVIATED BY
14 MEDICATION.

15 A PHYSICIAN IS NOT REQUIRED TO PERFORM A PREGNANCY TEST ON
16 YOU UNLESS THE PHYSICIAN HAS REASON TO BELIEVE THAT YOU MAY
17 BE PREGNANT.

18 PENNSYLVANIA LAW PROTECTS YOUR HEALTH CARE AGENT AND
19 HEALTH CARE PROVIDERS FROM ANY LEGAL LIABILITY FOR FOLLOWING
20 IN GOOD FAITH YOUR WISHES AS EXPRESSED IN THE FORM OR BY YOUR
21 HEALTH CARE AGENT'S DIRECTION. IT DOES NOT OTHERWISE CHANGE
22 PROFESSIONAL STANDARDS OR EXCUSE NEGLIGENCE IN THE WAY YOUR
23 WISHES ARE CARRIED OUT. IF YOU HAVE ANY QUESTIONS ABOUT THE
24 LAW, CONSULT AN ATTORNEY FOR GUIDANCE.

25 THIS FORM AND EXPLANATION IS NOT INTENDED TO TAKE THE
26 PLACE OF SPECIFIC LEGAL OR MEDICAL ADVICE FOR WHICH YOU
27 SHOULD RELY UPON YOUR OWN ATTORNEY AND PHYSICIAN.

28 PART II

29 DURABLE HEALTH CARE POWER OF ATTORNEY

30 I,, OF.....

1 COUNTY, PENNSYLVANIA, APPOINT THE PERSON NAMED BELOW TO BE MY
2 HEALTH CARE AGENT TO MAKE HEALTH AND PERSONAL CARE DECISIONS
3 FOR ME.

4 EFFECTIVE IMMEDIATELY AND CONTINUOUSLY UNTIL MY DEATH OR
5 REVOCATION BY A WRITING SIGNED BY ME OR SOMEONE AUTHORIZED TO
6 MAKE HEALTH CARE TREATMENT DECISIONS FOR ME, I AUTHORIZE ALL
7 HEALTH CARE PROVIDERS OR OTHER COVERED ENTITIES TO DISCLOSE
8 TO MY HEALTH CARE AGENT, UPON MY AGENT'S REQUEST, ANY
9 INFORMATION, ORAL OR WRITTEN, REGARDING MY PHYSICAL OR MENTAL
10 HEALTH, INCLUDING, BUT NOT LIMITED TO, MEDICAL AND HOSPITAL
11 RECORDS AND WHAT IS OTHERWISE PRIVATE, PRIVILEGED, PROTECTED
12 OR PERSONAL HEALTH INFORMATION, SUCH AS HEALTH INFORMATION AS
13 DEFINED AND DESCRIBED IN THE HEALTH INSURANCE PORTABILITY AND
14 ACCOUNTABILITY ACT OF 1996 (PUBLIC LAW 104-191, 110 STAT.
15 1936), THE REGULATIONS PROMULGATED THEREUNDER AND ANY OTHER
16 STATE OR LOCAL LAWS AND RULES. INFORMATION DISCLOSED BY A
17 HEALTH CARE PROVIDER OR OTHER COVERED ENTITY MAY BE
18 REDISCLOSED AND MAY NO LONGER BE SUBJECT TO THE PRIVACY RULES
19 PROVIDED BY 45 C.F.R. PT. 164.

20 THE REMAINDER OF THIS DOCUMENT WILL TAKE EFFECT WHEN AND
21 ONLY WHEN I LACK THE ABILITY TO UNDERSTAND, MAKE OR
22 COMMUNICATE A CHOICE REGARDING A HEALTH OR PERSONAL CARE
23 DECISION AS VERIFIED BY MY ATTENDING PHYSICIAN. MY HEALTH
24 CARE AGENT MAY NOT DELEGATE THE AUTHORITY TO MAKE DECISIONS.

25 MY HEALTH CARE AGENT HAS ALL OF THE FOLLOWING POWERS
26 SUBJECT TO THE HEALTH CARE TREATMENT INSTRUCTIONS THAT FOLLOW
27 IN PART III (CROSS OUT ANY POWERS YOU DO NOT WANT TO GIVE
28 YOUR HEALTH CARE AGENT):

29 1. TO AUTHORIZE, WITHHOLD OR WITHDRAW MEDICAL CARE AND
30 SURGICAL PROCEDURES.

1 2. TO AUTHORIZE, WITHHOLD OR WITHDRAW NUTRITION (FOOD)
2 OR HYDRATION (WATER) MEDICALLY SUPPLIED BY TUBE THROUGH MY
3 NOSE, STOMACH, INTESTINES, ARTERIES OR VEINS.

4 3. TO AUTHORIZE MY ADMISSION TO OR DISCHARGE FROM A
5 MEDICAL, NURSING, RESIDENTIAL OR SIMILAR FACILITY AND TO MAKE
6 AGREEMENTS FOR MY CARE AND HEALTH INSURANCE FOR MY CARE,
7 INCLUDING HOSPICE AND/OR PALLIATIVE CARE.

8 4. TO HIRE AND FIRE MEDICAL, SOCIAL SERVICE AND OTHER
9 SUPPORT PERSONNEL RESPONSIBLE FOR MY CARE.

10 5. TO TAKE ANY LEGAL ACTION NECESSARY TO DO WHAT I HAVE
11 DIRECTED.

12 6. TO REQUEST THAT A PHYSICIAN RESPONSIBLE FOR MY CARE
13 ISSUE A DO-NOT-RESUSCITATE (DNR) ORDER, INCLUDING AN OUT-OF-
14 HOSPITAL DNR ORDER, AND SIGN ANY REQUIRED DOCUMENTS AND
15 CONSENTS.

16 APPOINTMENT OF HEALTH CARE AGENT

17 I APPOINT THE FOLLOWING HEALTH CARE AGENT:

18 HEALTH CARE AGENT:.....

19 (NAME AND RELATIONSHIP)

20 ADDRESS:.....

21

22 TELEPHONE NUMBER: HOME..... WORK.....

23 E-MAIL:.....

24 IF YOU DO NOT NAME A HEALTH CARE AGENT, HEALTH CARE PROVIDERS
25 WILL ASK YOUR FAMILY OR AN ADULT WHO KNOWS YOUR PREFERENCES
26 AND VALUES FOR HELP IN DETERMINING YOUR WISHES FOR TREATMENT.

27 NOTE THAT YOU MAY NOT APPOINT YOUR DOCTOR OR OTHER HEALTH
28 CARE PROVIDER AS YOUR HEALTH CARE AGENT UNLESS RELATED TO YOU
29 BY BLOOD, MARRIAGE OR ADOPTION.

30 IF MY HEALTH CARE AGENT IS NOT READILY AVAILABLE OR IF MY

1 HEALTH CARE AGENT IS MY SPOUSE AND AN ACTION FOR DIVORCE
2 IS FILED BY EITHER OF US AFTER THE DATE OF THIS DOCUMENT,
3 I APPOINT THE PERSON OR PERSONS NAMED BELOW IN THE ORDER
4 NAMED. (IT IS HELPFUL, BUT NOT REQUIRED, TO NAME
5 ALTERNATIVE HEALTH CARE AGENTS.)

6 FIRST ALTERNATIVE HEALTH CARE AGENT:.....
7 (NAME AND RELATIONSHIP)

8 ADDRESS:.....
9

10 TELEPHONE NUMBER: HOME..... WORK.....

11 E-MAIL:.....

12 SECOND ALTERNATIVE HEALTH CARE AGENT:.....
13 (NAME AND RELATIONSHIP)

14 ADDRESS:.....
15

16 TELEPHONE NUMBER: HOME..... WORK.....

17 E-MAIL:.....

18 GUIDANCE FOR HEALTH CARE AGENT (OPTIONAL) GOALS

19 IF I HAVE AN END-STAGE MEDICAL CONDITION OR OTHER EXTREME
20 IRREVERSIBLE MEDICAL CONDITION, MY GOALS IN MAKING MEDICAL
21 DECISIONS ARE AS FOLLOWS (INSERT YOUR PERSONAL PRIORITIES
22 SUCH AS COMFORT, CARE, PRESERVATION OF MENTAL FUNCTION,
23 ETC.):.....

24

25

26

27 SEVERE BRAIN DAMAGE OR BRAIN DISEASE

28 IF I SHOULD SUFFER FROM SEVERE AND IRREVERSIBLE BRAIN
29 DAMAGE OR BRAIN DISEASE WITH NO REALISTIC HOPE OF SIGNIFICANT
30 RECOVERY, I WOULD CONSIDER SUCH A CONDITION INTOLERABLE AND

1 THE APPLICATION OF AGGRESSIVE MEDICAL CARE TO BE BURDENSOME.
2 I THEREFORE REQUEST THAT MY HEALTH CARE AGENT RESPOND TO ANY
3 INTERVENING (OTHER AND SEPARATE) LIFE-THREATENING CONDITIONS
4 IN THE SAME MANNER AS DIRECTED FOR AN END-STAGE MEDICAL
5 CONDITION OR STATE OF PERMANENT UNCONSCIOUSNESS AS I HAVE
6 INDICATED BELOW.

7 INITIALS.....I AGREE

8 INITIALS.....I DISAGREE

9 PART III

10 HEALTH CARE TREATMENT INSTRUCTIONS IN THE EVENT
11 OF END-STAGE MEDICAL CONDITION
12 OR PERMANENT UNCONSCIOUSNESS
13 (LIVING WILL)

14 THE FOLLOWING HEALTH CARE TREATMENT INSTRUCTIONS EXERCISE
15 MY RIGHT TO MAKE MY OWN HEALTH CARE DECISIONS. THESE
16 INSTRUCTIONS ARE INTENDED TO PROVIDE CLEAR AND CONVINCING
17 EVIDENCE OF MY WISHES TO BE FOLLOWED WHEN I LACK THE CAPACITY
18 TO UNDERSTAND, MAKE OR COMMUNICATE MY TREATMENT DECISIONS:

19 IF I HAVE AN END-STAGE MEDICAL CONDITION (WHICH WILL
20 RESULT IN MY DEATH, DESPITE THE INTRODUCTION OR CONTINUATION
21 OF MEDICAL TREATMENT) OR AM PERMANENTLY UNCONSCIOUS SUCH AS
22 AN IRREVERSIBLE COMA OR AN IRREVERSIBLE VEGETATIVE STATE AND
23 THERE IS NO REALISTIC HOPE OF SIGNIFICANT RECOVERY, ALL OF
24 THE FOLLOWING APPLY (CROSS OUT ANY TREATMENT INSTRUCTIONS
25 WITH WHICH YOU DO NOT AGREE):

26 1. I DIRECT THAT I BE GIVEN HEALTH CARE TREATMENT TO
27 RELIEVE PAIN OR PROVIDE COMFORT EVEN IF SUCH TREATMENT MIGHT
28 SHORTEN MY LIFE, SUPPRESS MY APPETITE OR MY BREATHING, OR BE
29 HABIT FORMING.

30 2. I DIRECT THAT ALL LIFE PROLONGING PROCEDURES BE

1 WITHHELD OR WITHDRAWN. YOU MAY WISH TO CONSULT WITH YOUR
2 PHYSICIAN AND ATTORNEY ABOUT YOUR WISH TO WITHDRAW LIFE
3 PROLONGING MEASURES IN ORDER TO DETERMINE WHETHER YOUR
4 DESIGNATED CHOICES REGARDING END OF LIFE CARE ARE COMPATIBLE
5 WITH ANATOMICAL DONATION. IN ORDER TO DONATE AN ORGAN, YOUR
6 BODY MAY NEED TO BE MAINTAINED ON ARTIFICIAL SUPPORT AFTER
7 YOU HAVE BEEN DECLARED DEAD IN ORDER TO FACILITATE ANATOMICAL
8 DONATION.

9 3. I SPECIFICALLY DO NOT WANT ANY OF THE FOLLOWING AS
10 LIFE PROLONGING PROCEDURES: (IF YOU WISH TO RECEIVE ANY OF
11 THESE TREATMENTS, WRITE "I DO WANT" AFTER THE TREATMENT)

- 12 HEART-LUNG RESUSCITATION (CPR).....
- 13 MECHANICAL VENTILATOR (BREATHING MACHINE).....
- 14 DIALYSIS (KIDNEY MACHINE).....
- 15 SURGERY.....
- 16 CHEMOTHERAPY.....
- 17 RADIATION TREATMENT.....
- 18 ANTIBIOTICS.....

19 PLEASE INDICATE WHETHER YOU WANT NUTRITION (FOOD) OR
20 HYDRATION (WATER) MEDICALLY SUPPLIED BY A TUBE INTO YOUR
21 NOSE, STOMACH, INTESTINE, ARTERIES, OR VEINS IF YOU HAVE AN
22 END-STAGE MEDICAL CONDITION OR ARE PERMANENTLY UNCONSCIOUS
23 AND THERE IS NO REALISTIC HOPE OF SIGNIFICANT RECOVERY.

24 (INITIAL ONLY ONE STATEMENT.)

25 TUBE FEEDINGS

26I WANT TUBE FEEDINGS TO BE GIVEN

27 OR

28 NO TUBE FEEDINGS

29I DO NOT WANT TUBE FEEDINGS TO BE GIVEN.

30 HEALTH CARE AGENT'S USE OF INSTRUCTIONS

1 (INITIAL ONE OPTION ONLY).

2MY HEALTH CARE AGENT MUST FOLLOW THESE
3 INSTRUCTIONS.

4 OR

5THESE INSTRUCTIONS ARE ONLY GUIDANCE.

6 MY HEALTH CARE AGENT SHALL HAVE FINAL SAY AND MAY
7 OVERRIDE ANY OF MY INSTRUCTIONS. (INDICATE ANY
8 EXCEPTIONS).....
9

10 IF I DID NOT APPOINT A HEALTH CARE AGENT, THESE
11 INSTRUCTIONS SHALL BE FOLLOWED.

12 LEGAL PROTECTION

13 PENNSYLVANIA LAW PROTECTS MY HEALTH CARE AGENT AND HEALTH
14 CARE PROVIDERS FROM ANY LEGAL LIABILITY FOR THEIR GOOD FAITH
15 ACTIONS IN FOLLOWING MY WISHES AS EXPRESSED IN THIS FORM OR
16 IN COMPLYING WITH MY HEALTH CARE AGENT'S DIRECTION. ON BEHALF
17 OF MYSELF, MY EXECUTORS AND HEIRS, I FURTHER HOLD MY HEALTH
18 CARE AGENT AND MY HEALTH CARE PROVIDERS HARMLESS AND
19 INDEMNIFY THEM AGAINST ANY CLAIM FOR THEIR GOOD FAITH ACTIONS
20 IN RECOGNIZING MY HEALTH CARE AGENT'S AUTHORITY OR IN
21 FOLLOWING MY TREATMENT INSTRUCTIONS.

22 ANATOMICAL DONATION

23 IF YOU WISH TO BE AN ORGAN DONOR, IT MAY BE NECESSARY TO
24 MAINTAIN YOUR BODY ON ARTIFICIAL SUPPORT IN ORDER TO
25 FACILITATE ANATOMICAL DONATION.

26 ORGAN DONATION (INITIAL ONE OPTION ONLY.)

27I CONSENT TO DONATE MY ORGANS AND TISSUES AT THE
28 TIME OF MY DEATH FOR THE PURPOSE OF TRANSPLANT,
29 MEDICAL STUDY OR EDUCATION. (INSERT ANY
30 LIMITATIONS YOU DESIRE ON DONATION OF SPECIFIC

1 ORGANS OR TISSUES OR USES FOR DONATION OF ORGANS
2 AND TISSUES.)

3 OR

4 I DO NOT CONSENT TO DONATE MY ORGANS [OR]
5 TISSUES [AT THE TIME OF MY DEATH.] OR ANY OTHER
6 PART OF MY BODY. THIS PROVISION SHALL ALSO SERVE
7 AS A REVOCATION OF ANY PRIOR DECISION I HAVE MADE
8 TO DONATE ORGANS, TISSUES OR ANY PART OF MY BODY
9 IN A PRIOR DOCUMENT, INCLUDING A DRIVER'S
10 LICENSE, WILL, POWER OF ATTORNEY OR OTHER
11 DOCUMENT.

12 SIGNATURE.....

13 HAVING CAREFULLY READ THIS DOCUMENT, I HAVE SIGNED IT
14 THIS.....DAY OF....., 20..., REVOKING ALL PREVIOUS
15 HEALTH CARE POWERS OF ATTORNEY AND HEALTH CARE TREATMENT
16 INSTRUCTIONS.

17

18 (SIGN FULL NAME HERE FOR HEALTH CARE POWER OF ATTORNEY AND
19 HEALTH CARE TREATMENT INSTRUCTIONS)

20 WITNESS:.....

21 WITNESS:.....

22 TWO WITNESSES AT LEAST 18 YEARS OF AGE ARE REQUIRED BY
23 PENNSYLVANIA LAW AND SHOULD WITNESS YOUR SIGNATURE IN EACH
24 OTHER'S PRESENCE. A PERSON WHO SIGNS THIS DOCUMENT ON BEHALF
25 OF AND AT THE DIRECTION OF A PRINCIPAL MAY NOT BE A WITNESS.
26 (IT IS PREFERABLE IF THE WITNESSES ARE NOT YOUR HEIRS, NOR
27 YOUR CREDITORS, NOR EMPLOYED BY ANY OF YOUR HEALTH CARE
28 PROVIDERS.)

29 NOTARIZATION (OPTIONAL)

30 (NOTARIZATION OF DOCUMENT IS NOT REQUIRED BY PENNSYLVANIA

1 LAW, BUT IF THE DOCUMENT IS BOTH WITNESSED AND NOTARIZED, IT
2 IS MORE LIKELY TO BE HONORED BY THE LAWS OF SOME OTHER
3 STATES.)

4 ON THIS.....DAY OF, 20..., BEFORE ME
5 PERSONALLY APPEARED THE AFORESAID DECLARANT AND PRINCIPAL, TO
6 ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE
7 FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE/SHE EXECUTED
8 THE SAME AS HIS/HER FREE ACT AND DEED.

9 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND
10 AFFIXED MY OFFICIAL SEAL IN THE COUNTY OF....., STATE
11 OF..... THE DAY AND YEAR FIRST ABOVE WRITTEN.

12

13 NOTARY PUBLIC MY COMMISSION EXPIRES

14 SECTION 1.1. THE DEFINITIONS OF "ADVISORY COMMITTEE," "BANK
15 OR STORAGE FACILITY," "DECEDENT" AND "ORGAN PROCUREMENT
16 ORGANIZATION" IN SECTION 8601 OF TITLE 20 ARE AMENDED AND THE
17 SECTION IS AMENDED BY ADDING DEFINITIONS TO READ:

18 § 8601. Definitions.

19 The following words and phrases when used in this chapter
20 shall have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 * * *

23 "Adult." An individual who is at least 18 years of age.

24 "Advance health care directive." As defined in section 5422
25 (relating to definitions).

26 "Advisory committee." The Organ and Tissue Donation Advisory
27 Committee established under section 8622 (relating to The
28 Governor Robert P. Casey Memorial Organ and Tissue Donation
29 Awareness Trust Fund).

30 "Agent." Any of the following:

1 (1) A health care agent authorized to make health care
2 decisions on a principal's behalf under Subchapter C of
3 Chapter 54 (relating to health care agents and
4 representatives).

5 (2) An individual expressly authorized to make an
6 anatomical gift on a principal's behalf by any other record
7 signed by the principal.

8 "Anatomical gift." A donation of all or part of a human body
9 to take effect after the donor's death for the purpose of
10 transplantation, therapy, research or education.

11 ["Bank or storage facility." A facility licensed, accredited
12 or approved under the laws of any state for storage of human
13 bodies or parts thereof.]

14 * * *

15 "Decedent." [A deceased individual, including a stillborn
16 infant or fetus.] A deceased individual whose body or part is or
17 may be the source of an anatomical gift. The term includes a
18 stillborn infant and, subject to restrictions imposed by other
19 laws, a fetus. The term does not include a blastocyst, embryo or
20 fetus that is the subject of an induced abortion.

21 "Document of gift." A donor card or other record used to
22 make, amend or revoke an anatomical gift. The term includes a
23 statement or symbol on a driver's license or identification card
24 or in a donor registry.

25 "Donate Life PA Registry." That subset of persons in the
26 Department of Transportation's driver's license and photo
27 identification card database who have elected to include the
28 donor designation on their record. This term shall not refer to
29 a separate database.

30 * * *

1 "Donor registry." A database which contains records of
2 anatomical gifts. The term includes the Donate Life PA Registry.

3 "Eye bank." A person that is licensed, accredited or
4 regulated under Federal or State law to engage in the recovery,
5 screening, testing, processing, storage or distribution of human
6 eyes or portions of human eyes.

7 * * *

8 "Hospital administrator." Any individual appointed by a
9 hospital's governing body to act on its behalf in the overall
10 management of the hospital. The term includes a designee of the
11 individual who is authorized by the hospital to exercise
12 supervisory authority.

13 "Know." To have actual knowledge. When the word "known" is
14 used as an adjective to modify a term, the meaning is that there
15 is actual knowledge about the modified term.

16 "Minor." An individual who is under 18 years of age.

17 "Organ." A human organ as defined in 42 CFR 121.2 (relating
18 to definitions).

19 "Organ procurement organization." An organization [that
20 meets the requirements of section 371 of the Public Health
21 Service Act (58 Stat. 682, 42 U.S.C. § 273)] designated for the
22 region by the Secretary of Health and Human Services as an organ
23 procurement organization.

24 * * *

25 "Person authorized or obligated to dispose of a decedent's
26 body." Any of the following, without regard to order of
27 priority:

28 (1) A coroner or medical examiner having jurisdiction
29 over the decedent's body.

30 (2) A warden or director of a correctional facility

1 where the decedent was incarcerated.

2 (3) A hospital administrator of the hospital where the
3 decedent's death was pronounced.

4 (4) Any other person authorized or under obligation to
5 dispose of the decedent's body.

6 * * *

7 "Procurement organization." An organ procurement
8 organization, eye bank or tissue bank.

9 "Program coordinator." The Organ and Tissue Donation
10 Awareness Program Coordinator established in section 8622
11 (relating to The Governor Robert P. Casey Memorial Organ and
12 Tissue Donation Awareness Trust Fund).

13 "Prospective donor." A person who is dead or whose death is
14 imminent and has been determined by an organ procurement
15 organization to have a part that could be medically suitable for
16 transplantation, therapy, research or education.

17 "Reasonably available." Able to be contacted by a
18 procurement organization with reasonable effort and willing and
19 able to exercise the decision to refuse or to authorize
20 anatomical donation in a timely manner consistent with existing
21 medical criteria necessary to make an anatomical gift.

22 "Recipient." An individual into whose body a decedent's part
23 has been or is intended to be transplanted.

24 "Record." Information that is inscribed on a tangible medium
25 or that is stored in an electronic or other medium and is
26 retrievable in perceivable form.

27 "RECOVERY PROCEDURE." THE PROCESS OF REMOVING CELLS, TISSUES <--
28 AND ORGANS FOR A DONOR.

29 * * *

30 "Tissue." A portion of the human body other than an organ or

1 an eye. The term does not include blood, unless the blood is
2 donated for the purpose of research or education.

3 "Tissue bank." A person that is licensed, accredited or
4 regulated under Federal or State law to engage in the recovery,
5 screening, testing, processing, storage or distribution of
6 tissue.

7 * * *

8 Section 2. Sections 8611(a), (b) and (c) of Title 20 are
9 amended to read:

10 § 8611. Persons who may execute anatomical gift.

11 (a) General rule.--Any individual of sound mind and 18 years
12 of age or more may give all or any part of his body for any
13 purpose specified in section 8612 (relating to persons who may
14 become donees; purposes for which anatomical gifts may be made),
15 the gift to take effect upon death. [~~Any~~ ~~An~~ agent ~~acting under~~ <--
16 a power of attorney which authorizes the agent to make
17 anatomical gifts] may effectuate a gift for any purpose <--
18 specified in section 8612.] Any individual who is a minor and 16 <--
19 years of age or older may effectuate a gift for any purpose
20 specified in section 8612, provided parental or guardian consent
21 is deemed given. Parental or guardian consent shall be noted on
22 the minor's donor card, application for the donor's learner's
23 permit or driver's license or other document of gift. A gift of
24 the whole body shall be invalid unless made in writing at least
25 15 days prior to the date of death or consent is obtained from
26 the legal next of kin. Where there are adult children of the
27 deceased who are not children of the surviving spouse, their
28 consent shall also be required for a gift of the whole body for
29 anatomical study.

30 (b) [~~Others entitled~~] Entitled to donate anatomy of

1 decedent.--[Any] SUBJECT TO SUBSECTION (B.1), ANY of the <--
2 following persons who are reasonably available, in order of
3 priority stated, when persons in prior classes are not
4 reasonably available at the time of death, and in the absence of
5 [actual notice of contrary indications] known objections by the
6 decedent or [actual notice of opposition] by a member of [the
7 same or] a prior class, may give all or any part of the
8 decedent's body for any purpose specified in section 8612:

9 (1) The spouse.

10 (2) An adult son or daughter.

11 (3) Either parent.

12 (4) An adult brother or sister.

13 (5) A guardian of the person of the decedent at the time
14 of his death.

15 (6) Any other person authorized or under obligation to
16 dispose of the body.]

17 (1) An agent of the decedent at the time of death who <--
18 could have made an anatomical gift under subsection (a).

19 (2) The spouse of the decedent, unless an action for
20 divorce is pending.

21 (3) An adult child of the decedent.

22 (4) A parent of the decedent.

23 (5) An adult sibling of the decedent.

24 (6) An adult grandchild of the decedent.

25 (7) A grandparent of the decedent.

26 (8) Any other person related to the decedent by blood,
27 marriage or adoption or a person with an established <--
28 relationship with, and who exhibited special care and concern
29 for, the decedent.

30 (9) A guardian of the person of the decedent.

1 (10) A person authorized or obligated to dispose of the
2 decedent's body.

3 (11) A PERSON WITH AN ESTABLISHED RELATIONSHIP WITH, AND <--
4 WHO EXHIBITED SPECIAL CARE AND CONCERN FOR THE DECEDENT.

5 (B.1) ANATOMICAL GIFTS PROHIBITED IN CERTAIN
6 CIRCUMSTANCES.--AN ANATOMICAL GIFT MAY NOT BE MADE BY A PERSON
7 SET FORTH IN SUBSECTION (B) IF, BEFORE AN INCISION HAS BEEN MADE
8 TO REMOVE A PART FROM THE PROSPECTIVE DONOR'S BODY OR BEFORE
9 INVASIVE PROCEDURES HAVE BEGUN TO PREPARE AN INTENDED RECIPIENT,
10 ANY OF THE FOLLOWING APPLY:

11 (1) THE DISTRICT ATTORNEY NOTIFIES THE ORGAN PROCUREMENT
12 ORGANIZATION THAT THE PERSON IS A SUSPECT OR A PERSON OF
13 INTEREST IN CAUSING THE DISEASE, ILLNESS, INJURY OR CONDITION
14 OF THE DECEDENT.

15 (2) THE DISTRICT ATTORNEY OR A LAW ENFORCEMENT OFFICER
16 NOTIFIES THE ORGAN PROCUREMENT ORGANIZATION THAT THE PERSON
17 IS THE SUBJECT OF A PROTECTION FROM ABUSE ORDER, AN ORDER
18 ISSUED UNDER 42 PA.C.S. CH. 62A, OR SIMILAR ORDER FROM A
19 COURT THAT WAS ISSUED TO THE DECEDENT.

20 (3) THE DISTRICT ATTORNEY OR A LAW ENFORCEMENT OFFICER
21 NOTIFIES THE ORGAN PROCUREMENT ORGANIZATION THAT THE PERSON
22 HAS BEEN ARRESTED OR DETAINED IN CONNECTION WITH THE
23 CONDITION OF THE DECEDENT.

24 (B.2) DOCUMENTATION REQUIRED.--THE ORGAN PROCUREMENT
25 ORGANIZATION SHALL DOCUMENT THE STEPS TAKEN TO CONTACT ANY OF
26 THE PERSONS IN SUBSECTION (B). SUCH DOCUMENTATION SHALL BE
27 MAINTAINED BY THE ORGAN PROCUREMENT ORGANIZATION FOR A MINIMUM
28 OF SIX YEARS.

29 (B.3) NO OBLIGATION TO MAKE GIFT.--THE FOLLOWING APPLY:

30 (1) A PERSON DESCRIBED IN SUBSECTION (B) (2), (3), (4),

1 (5), (6), (7), (8), (9) OR (10) MAY NOT HAVE A LEGAL
2 OBLIGATION TO CONSENT TO MAKING A GIFT OF THE DECEDENT'S BODY
3 OR PART OF THE BODY.

4 (2) BEFORE MAKING A GIFT OF THE DECEDENT'S BODY OR PART
5 OF THE BODY, A PERSON DESCRIBED IN SUBSECTION (B) (2), (3),
6 (4), (5), (6), (7), (8), (9) OR (10) IS ENCOURAGED TO
7 CONSIDER THE DECEDENT'S MORAL AND RELIGIOUS BELIEFS REGARDING
8 ORGAN DONATION, IF THOSE BELIEFS ARE KNOWN TO THE PERSON.

9 (c) Donee not to accept in certain cases.--[If the]

10 (1) The donee may not accept a gift under any of the
11 following circumstances:

12 (i) The donee [has actual notice of contrary
13 indications] knows of an objection by the decedent [or].

14 (ii) The donee knows that a gift by a member of a
15 class is opposed by a reasonably available member of [the
16 same or] a prior class[, the donee shall not accept the
17 gift].

18 (iii) The donee knows that a gift by a member of a
19 class is opposed by at least 50% of the reasonably
20 available members of the same class.

21 (2) The persons authorized by subsection (b) may make
22 the gift after or immediately before death.

23 * * *

24 Section 3. Section 8612 of Title 20 is amended to read:

25 § 8612. Persons who may become donees; purposes for which
26 anatomical gifts may be made.

27 [The following persons may become donees of gifts of bodies
28 or parts thereof for any of the purposes stated:

29 (1) Any hospital, surgeon or physician for medical or
30 dental education, research, advancement of medical or dental

1 science, therapy or transplantation.

2 (2) Any accredited medical or dental school, college or
3 university for education, research, advancement of medical or
4 dental science or therapy.

5 (3) Any bank or storage facility for medical or dental
6 education, research, advancement of medical or dental
7 science, therapy or transplantation.

8 (4) Any specified individual for therapy or
9 transplantation needed by him.

10 (5) The board.]

11 (a) Donees.--An anatomical gift may be made to any of the
12 following persons named in the document of gift:

13 (1) If for research or education, any of the following:

14 (i) A hospital.

15 (ii) An accredited medical school, dental school,
16 college or university.

17 (iii) The board.

18 (iv) An organ procurement organization.

19 (v) Any other appropriate person as permitted by
20 law.

21 (2) Subject to subsection (b), an individual designated
22 by the person making the anatomical gift if the individual is
23 the recipient of the part.

24 (3) An eye bank or tissue bank.

25 (4) An organ procurement organization.

26 (b) Directed donation.--If an anatomical gift to an
27 individual under subsection (a) (2) cannot be transplanted into
28 the individual, the part shall pass in accordance with
29 subsection (c) if authorized by the person making the anatomical
30 gift.

1 (c) Organ for transplant or therapy.--An anatomical gift of
2 an organ for transplantation or therapy, other than an
3 anatomical gift under subsection (a)(2), shall pass to the organ
4 procurement organization.

5 (d) Default.--If the intended purpose or recipient of an
6 anatomical gift is not known, the following shall apply:

7 (1) If the part is an eye, the gift shall pass to the
8 appropriate eye bank.

9 (2) If the part is tissue, the gift shall pass to the
10 appropriate tissue bank.

11 (3) If the part is an organ, the gift shall pass to the
12 appropriate organ procurement organization.

13 (4) If the gift is of the decedent's entire body, the
14 gift shall pass to the board.

15 (e) Multiple purposes.--If there is more than one purpose of
16 an anatomical gift set forth in the document of gift but the
17 purposes are not set forth in any priority, the gift shall be
18 used for transplantation or therapy, if suitable and enumerated
19 in the document of gift, and shall pass to the appropriate organ
20 procurement organization. If the gift cannot be used for
21 transplantation or therapy, the gift may be used for other
22 lawful purposes enumerated in the document of gift.

23 (f) Unspecified purpose.--If an anatomical gift is made in a
24 document of gift that does not name a person described in
25 subsection (a) and does not identify the purpose of the gift,
26 the gift may be used only for transplantation or therapy, and
27 the gift shall pass in accordance with subsection (d).

28 (g) Effect of gift.--An anatomical gift of a part is neither
29 a refusal to give another part nor a limitation on the making of
30 an anatomical gift of another part or making an anatomical gift

1 for another purpose at a later time by the donor or another
2 person.

3 Section 4. Section 8613(b), (d) and (e) of Title 20 are
4 amended and the section is amended by adding subsections to
5 read:

6 § 8613. Manner of executing anatomical gifts.

7 * * *

8 (b) Gifts by other documents.--[A gift of all or part of the
9 body under section 8611(a) may also be made by document other
10 than a will.] An anatomical gift may be made by other document,
11 including by authorizing a statement or symbol indicating that
12 the donor has made an anatomical gift, which shall be recorded
13 in a donor registry or on the donor's driver's license or
14 identification card. The gift becomes effective upon the death
15 of the donor. The document, which may be a card designed to be
16 carried on the person, must be signed by the donor [in the
17 presence of two witnesses who must sign the document in his
18 presence]. If the donor is mentally competent to signify his
19 desire to sign the document but is physically unable to do so,
20 the document may be signed for him by another at his direction
21 and in his presence in the presence of two witnesses who must
22 sign the document in his presence. Delivery of the document of
23 gift during the donor's lifetime is not necessary to make the
24 gift valid. If an anatomical gift is indicated on a driver's
25 license or an identification card, the anatomical gift is not
26 invalidated by revocation, suspension, expiration or
27 cancellation of:

28 (1) the driver's license under 75 Pa.C.S. Ch. 15
29 (relating to licensing of drivers); or

30 (2) the identification card by the Department of

1 Transportation.

2 * * *

3 [(d) Designation of person to carry out procedures.--

4 Notwithstanding section 8616(b) (relating to rights and duties
5 at death), the donor may designate in his will, card or other
6 document of gift the surgeon or physician to carry out the
7 appropriate procedures. In the absence of a designation or if
8 the designee is not available, the donee or other person
9 authorized to accept the gift may employ or authorize any
10 surgeon or physician for the purpose, or, in the case of a gift
11 of eyes, he may employ or authorize a person who is a funeral
12 director licensed by the State Board of Funeral Directors, an
13 eye bank technician or medical student, if the person has
14 successfully completed a course in eye enucleation approved by
15 the State Board of Medical Education and Licensure, or an eye
16 bank technician or medical student trained under a program in
17 the sterile technique for eye enucleation approved by the State
18 Board of Medical Education and Licensure to enucleate eyes for
19 an eye bank for the gift after certification of death by a
20 physician. A qualified funeral director, eye bank technician or
21 medical student acting in accordance with the terms of this
22 subsection shall not have any liability, civil or criminal, for
23 the eye enucleation.]

24 (d.1) Reliance.--A person may rely on a document of gift or
25 amendment thereto as being valid unless that person knows that
26 it was not validly executed or was revoked.

27 (e) Consent not necessary.--[If a donor card, donor driver's
28 license, living will, durable power of attorney or other
29 document of gift evidencing a gift of organs or tissue has been
30 ~~executed,] A donor's gift of all or any part of the individual's <--~~

1 EXECUTED,]

<--

2 (1) SUBJECT TO PARAGRAPH (2), A DONOR'S GIFT OF ALL OR
3 ANY PART OF THE INDIVIDUAL'S body, including a designation in
4 a registry on a driver's license or identification card,
5 donor card, advance health care directive, will or other
6 document of gift, may not be revoked by the next-of-kin or
7 other persons identified in section 8611(b). The consent of
8 any person [designated in section 8611(b)] at the time of the
9 donor's death or immediately thereafter is not necessary to
10 render the gift valid and effective.

11 (2) AN AGENT, ONLY IF EXPRESSLY AUTHORIZED IN WRITING IN <--
12 A POWER OF ATTORNEY, ADVANCED DIRECTIVE, HEALTH CARE POWER OF
13 ATTORNEY OR OTHER DOCUMENT TO OVERRIDE THE DECEDENT'S
14 INSTRUCTIONS ON THE MAKING OF AN ANATOMICAL GIFT, MAY REVOKE
15 THE DECEDENT'S GIFT.

16 * * *

17 (g) Validity.--A document of gift is valid if executed in
18 accordance with:

19 (1) this chapter;

20 (2) the law of the state or country where it was
21 executed; or

22 (3) the law of the state or country where, at the time
23 of execution of the document of gift, the person making the
24 anatomical gift:

25 (i) is domiciled;

26 (ii) has a place of residence; or

27 (iii) is a citizen.

28 (h) Choice of law.--If a document of gift is valid under
29 this section, the law of this Commonwealth governs
30 interpretation of the document.

1 (i) Refusals.--An individual may refuse to make an
2 anatomical gift of the individual's body or part by a writing or
3 record signed in the same manner as a document of gift or any
4 other writing or record used to identify the individual as
5 refusing to make an anatomical gift. An individual's unrevoked
6 refusal to make an anatomical gift of the individual's body or
7 part bars all other persons from making an anatomical gift of
8 the individual's body or part.

9 Section 5. Section 8615 of Title 20 is amended by adding
10 subsections to read:

11 § 8615. Amendment or revocation of gift.

12 * * *

13 (d) Revocation by other authorized person.--Subject to
14 subsection (e), an anatomical gift by a person authorized under
15 section 8611(b) (relating to persons who may execute anatomical
16 gift) may be amended or revoked orally or in a record by that
17 person or by a majority of the reasonably available members of a
18 prior class.

19 (e) Effectiveness of revocation.--A revocation made under
20 this chapter shall take effect if, before an incision has been
21 made to remove a part from the donor's body or before invasive
22 procedures have begun to prepare the recipient, the applicable
23 organ procurement organization, transplant hospital or physician
24 or technician knows of the revocation.

25 (f) Revocation not a refusal.--A revocation made under this
26 chapter shall not be considered a known objection or refusal to
27 make a gift of one's body or a part of one's body nor a
28 prohibition against a person described in section 8611(b)
29 (relating to persons who may execute anatomical gift) making
30 such gift.

1 ~~Section 6. Sections 8616(b), (c) and (d), 8617, 8619, 8621, <--~~
2 ~~8622, 8623 and 8624 of Title 20 are amended to read:~~

3 SECTION 6. SECTIONS 8616(B), (C) AND (D) AND 8617 OF TITLE
4 20 ARE AMENDED TO READ: <--

5 § 8616. Rights and duties at death.

6 * * *

7 (b) Physicians.--The time of death shall be determined by a
8 physician who tends the donor at his death or, if none, the
9 physician who certifies the death. [The physician or person who
10 certifies death or any of his professional partners or
11 associates shall not participate in the procedures for removing
12 or transplanting a part.]

13 (c) Certain liability limited.--A person who acts in good
14 faith in accordance with the terms of this subchapter or with
15 the anatomical gift laws of another state or a foreign country
16 is not liable for damages in any civil action or subject to
17 prosecution in any criminal proceeding for his act. THE IMMUNITY <--
18 PROVIDED BY THIS SECTION MAY NOT EXTEND TO A PERSON IF DAMAGES
19 RESULT FROM THE GROSS NEGLIGENCE, RECKLESSNESS OR INTENTIONAL
20 MISCONDUCT OF THE PERSON. Neither a person making an anatomical
21 gift nor a donor's estate shall be liable for injury or damage
22 which results from the making or use of the anatomical gift. In
23 determining whether an anatomical gift has been made, amended or
24 revoked under this chapter, a person may rely upon
25 representations of an individual listed in section 8611(b)
26 relating to the individual's relationship to the donor or
27 prospective donor unless the person knows that the
28 representation is untrue.

29 (d) Law on autopsies applicable.--The provisions of this
30 subchapter are subject to the laws of this Commonwealth

1 prescribing powers and duties with respect to autopsies.
2 Notwithstanding 18 Pa.C.S. Ch. 91 (relating to criminal history
3 record information), an organ procurement organization is
4 authorized to obtain a copy of an autopsy report in a timely
5 fashion upon request and payment of reasonable copying fees.

6 § 8617. Requests for anatomical gifts.

7 [(a) Procedure.--On or before the occurrence of each death
8 in an acute care general hospital, the hospital shall make
9 contact with the regional organ procurement organization in
10 order to determine the suitability for organ, tissue and eye
11 donation for any purpose specified under this subchapter. This
12 contact and the disposition shall be noted on the patient's
13 medical record.

14 (b) Limitation.--If the hospital administrator or his
15 designee has received actual notice of opposition from any of
16 the persons named in section 8611(b) (relating to persons who
17 may execute anatomical gift) and the decedent was not in
18 possession of a validly executed donor card, the gift of all or
19 any part of the decedent's body shall not be requested.

20 (c) Donor card.--Notwithstanding any provision of law to the
21 contrary, the intent of a decedent to participate in an organ
22 donor program as evidenced by the possession of a validly
23 executed donor card, donor driver's license, living will,
24 durable power of attorney or other document of gift shall not be
25 revoked by any member of any of the classes specified in section
26 8611(b).

27 (d) Identification of potential donors.--Each acute care
28 general hospital shall develop within one year of the date of
29 final enactment of this section, with the concurrence of the
30 hospital medical staff, a protocol for identifying potential

1 organ and tissue donors. It shall require that, at or near the
2 time of every individual death, all acute care general hospitals
3 contact by telephone their regional organ procurement
4 organization to determine suitability for organ, tissue and eye
5 donation of the individual in question. The person designated by
6 the acute care general hospital to contact the organ procurement
7 organization shall have the following information available
8 prior to making the contact:

9 (1) The patient's identifier number.

10 (2) The patient's age.

11 (3) The cause of death.

12 (4) Any past medical history available.

13 The organ procurement organization, in consultation with the
14 patient's attending physician or his designee, shall determine
15 the suitability for donation. If the organ procurement
16 organization in consultation with the patient's attending
17 physician or his designee determines that donation is not
18 appropriate based on established medical criteria, this shall be
19 noted by hospital personnel on the patient's record, and no
20 further action is necessary. If the organ procurement
21 organization in consultation with the patient's attending
22 physician or his designee determines that the patient is a
23 suitable candidate for anatomical donation, the acute care
24 general hospital shall initiate a request by informing the
25 persons and following the procedure designated under section
26 8611(b) of the option to donate organs, tissues or eyes. The
27 person initiating the request shall be an organ procurement
28 organization representative or a designated requestor. The organ
29 procurement organization representative or designated requestor
30 shall ask persons pursuant to section 8611(b) whether the

1 deceased was an organ donor. If the person designated under
2 section 8611(b) does not know, then this person shall be
3 informed of the option to donate organs and tissues. The
4 protocol shall encourage discretion and sensitivity to family
5 circumstances in all discussions regarding donations of tissue
6 or organs. The protocol shall take into account the deceased
7 individual's religious beliefs or nonsuitability for organ and
8 tissue donation.

9 (e) Tissue procurement.--

10 (1) The first priority use for all tissue shall be
11 transplantation.

12 (2) Upon Department of Health approval of guidelines
13 pursuant to subsection (f)(1)(ii), all acute care general
14 hospitals shall select at least one tissue procurement
15 provider. A hospital shall notify the regional organ
16 procurement organization of its choice of tissue procurement
17 providers. If a hospital chooses more than one tissue
18 procurement provider, it may specify a rotation of referrals
19 by the organ procurement organization to the designated
20 tissue procurement providers.

21 (3) Until the Department of Health has approved
22 guidelines pursuant to subsection (f)(1)(ii), tissue
23 referrals at each hospital shall be rotated in a proportion
24 equal to the average rate of donors recovered among the
25 tissue procurement providers at that hospital during the two-
26 year period ending August 31, 1994.

27 (4) The regional organ procurement organization, with
28 the assistance of tissue procurement providers, shall submit
29 an annual report to the General Assembly on the following:

30 (i) The number of tissue donors.

1 (ii) The number of tissue procurements for
2 transplantation.

3 (iii) The number of tissue procurements recovered
4 for research by each tissue procurement provider
5 operating in this Commonwealth.

6 (f) Guidelines.--

7 (1) The Department of Health, in consultation with organ
8 procurement organizations, tissue procurement providers and
9 the Hospital Association of Pennsylvania, donor recipients
10 and family appointed pursuant to section 8622(c)(3) (relating
11 to The Governor Robert P. Casey Memorial Organ and Tissue
12 Donation Awareness Trust Fund) shall, within six months of
13 the effective date of this chapter, do all of the following:

14 (i) Establish guidelines regarding efficient
15 procedures facilitating the delivery of anatomical gift
16 donations from receiving hospitals to procurement
17 providers.

18 (ii) Develop guidelines to assist hospitals in the
19 selection and designation of tissue procurement
20 providers.

21 (2) Each organ procurement organization and each tissue
22 procurement provider operating within this Commonwealth
23 shall, within six months of the effective date of this
24 chapter, file with the Department of Health, for public
25 review, its operating protocols.]

26 (a) Procedure.--

27 (1) A hospital located in this Commonwealth shall notify
28 the applicable designated organ procurement organization or a
29 third party designated by that organization of an individual
30 whose death is imminent or who has died in the hospital.

1 Notification shall be made in a timely manner to ensure that
2 examination, evaluation and ascertainment of donor status as
3 set forth in subsection (d) ~~can~~ MAY be completed within a <--
4 time frame compatible with the donation of organs and tissues
5 for transplant. The notification shall be made without regard
6 to whether the person has executed an advance directive for
7 health care.

8 (2) The following shall apply to coroners and medical
9 examiners:

10 (i) Except as set forth in subparagraph (ii), a
11 coroner or medical examiner shall notify the applicable
12 designated organ procurement organization of a person's
13 death in accordance with a mutually agreed-upon protocol.
14 Notification shall be made in a timely manner to ensure
15 that examination, evaluation and ascertainment of donor
16 status as set forth in subsection (d) can be completed
17 within a time frame compatible with the recovery of
18 tissues for transplant.

19 (ii) Notification under this paragraph shall not be
20 made if:

21 (A) the decedent was admitted to the hospital at
22 or around the time of death; or

23 (B) the notification to the coroner or medical
24 examiner occurred more than 18 hours following the
25 estimated time of the decedent's death.

26 (b) Referrals.--If an organ procurement organization
27 receives a referral of an individual whose death is imminent or
28 who has died, the organ procurement organization shall make a
29 reasonable search of the records of the Donate Life PA Registry
30 or the applicable State donor registry that it knows exists for

1 the geographic area in which the individual resided or resides
2 in order to ascertain whether the individual has made an
3 anatomical gift.

4 (c) Document of gift.--

5 (1) If the referred patient has a document of gift,
6 including registration with the Donate Life PA Registry, the
7 procurement organization representative or the designated
8 requestor shall attempt to notify a person listed in section
9 8611(b) (relating to persons who may execute anatomical gift)
10 of the gift.

11 (2) If no document of gift is known to the procurement
12 organization representative or the designated requestor, one
13 of these two individuals shall ask the persons listed in
14 section 8611(b) whether the decedent had a validly executed
15 document of gift. If there is no evidence of an anatomical
16 gift by the decedent, the procurement organization
17 representative or the designated requestor shall notify a
18 person listed in section 8611(b) of the option to donate
19 organs and tissues. The notification shall be performed in
20 accordance with a protocol that encourages discretion and
21 sensitivity to family circumstances in all discussions
22 regarding donations of tissue or organs. The protocol shall
23 take into account the deceased's religious beliefs or
24 nonsuitability for organ and tissue donation.

25 (3) The hospital administrator or that person's
26 designated representative shall indicate in the medical
27 record of the decedent: AND THE FOLLOWING INFORMATION SHALL <--
28 BE COMMUNICATED BY THE HOSPITAL ADMINISTRATOR OR A DESIGNEE
29 TO THE ORGAN PROCUREMENT ORGANIZATION:

30 (i) whether or not a document of gift is known to

1 exist or whether a gift was made; and <--

2 (ii) if a gift was made, the name of the person
3 granting the gift and that person's relationship to the
4 decedent-; <--

5 (III) WHETHER THE DECEDENT EXECUTED AN ADVANCED
6 DIRECTIVE, LIVING WILL OR OTHER DOCUMENT, INCLUDING A DO-
7 NOT-RESUSCITATE ORDER; AND

8 (IV) WHETHER THE DECEDENT AMENDED OR REVOKED AN
9 ANATOMICAL GIFT AS SET FORTH IN SECTION 8615 (RELATING TO
10 AMENDMENT OR REVOCATION OF GIFT).

11 (d) Testing.--

12 (1) This subsection shall apply if:

13 (i) a hospital refers an individual who is dead or
14 whose death is imminent to an organ procurement
15 organization; and <--

16 (ii) the organ procurement organization determines,
17 based upon a medical record review, that the individual
18 may be a prospective donor-; AND <--

19 (III) THE DECEDENT HAS NOT REFUSED TO MAKE A GIFT
20 UNDER SECTION 8613 (RELATING TO MANNER OF EXECUTING
21 ANATOMICAL GIFTS).

22 (2) If the requirements of paragraph (1) are met, the
23 following shall apply:

24 (i) The organ procurement organization may conduct a
25 blood or tissue test or minimally invasive examination
26 which is reasonably necessary to evaluate the medical
27 suitability of a part that is or may be the subject of an
28 anatomical gift. Specific consent to testing or
29 examination under this subparagraph shall not be
30 required. The results of tests and examinations under

1 this subparagraph shall be used or disclosed only:

2 (A) to evaluate medical suitability for donation
3 and to facilitate the donation process; and

4 (B) as required or permitted by law.

5 (ii) The hospital may not withdraw or withhold any
6 measures which are necessary to maintain the medical
7 suitability of the part until the organ procurement
8 organization has:

9 (A) had the opportunity to advise the applicable
10 persons as set forth in section 8611(b) of the option
11 to make an anatomical gift and has received or been
12 denied authorization to proceed with recovery of the
13 part; or

14 (B) has ascertained that the individual made a
15 gift or expressed a known objection to making a gift.

16 (e) Testing after death.--After a donor's death, a person to
17 whom an anatomical gift may pass under section 8612 (relating to
18 persons who may become donees; purposes for which anatomical
19 gifts may be made) may conduct a test or examination which is
20 reasonably necessary to evaluate the medical suitability of the
21 body or part for its intended purpose.

22 (f) Scope.--An examination conducted under this section may
23 include copying of records necessary to determine the medical
24 suitability of the body or part. This subsection includes
25 medical, dental and other health-related records.

26 (f.1) Recipients.--

27 (1) Subject to the provisions of this chapter, the
28 rights of the person to whom a part passes under section 8612
29 shall be superior to the rights of all others with respect to
30 the part. The person may accept or reject an anatomical gift

1 in whole or in part.

2 (2) Subject to the terms of the document of gift and
3 this chapter, a person that accepts an anatomical gift of an
4 entire body may allow embalming, burial or cremation and the
5 use of remains in a funeral service. If the gift is of a
6 part, the person to whom the part passes under section 8612,
7 upon the death of the donor and before embalming, burial or
8 cremation, shall cause the part to be removed without
9 unnecessary mutilation.

10 (f.2) Physicians.--

11 (1) Neither the physician who attends the decedent at
12 death nor the physician who determines the time of the
13 decedent's death may participate in the procedures for
14 removing or transplanting a part from the decedent.

15 (2) Subject to paragraph (1), a physician or technician
16 may remove a donated part from the body of a donor that the
17 physician or technician is qualified to remove.

18 (f.3) Coordination of procurement and use.--

19 (1) A hospital shall enter into agreements or
20 affiliations with organ procurement organizations for
21 coordination of procurement and use of anatomical gifts.

22 (2) A person, including a coroner or medical examiner,
23 that seeks to facilitate the making of an anatomical gift for
24 the purposes of transplantation or therapy from a decedent
25 who was not a hospital patient at the time of death shall
26 notify the applicable designated organ procurement
27 organization at or around the time of the person's death in
28 order to allow that organization to evaluate the potential
29 donation and, if applicable, coordinate the donation process.

30 (g) Death record review.--

1 (1) The Department of Health shall make annual death
2 record reviews at acute care general hospitals to determine
3 their compliance with subsection (d).

4 (2) To conduct a review of an acute care general
5 hospital, the following apply:

6 (i) The [Department of Health] department shall
7 select to carry out the review the Commonwealth-licensed
8 organ procurement organization designated by the [Health
9 Care Financing Administration] Centers for Medicare and
10 Medicaid Services for the region within which the acute
11 care general hospital is located. For an organ
12 procurement organization to be selected under this
13 subparagraph, the organization must not operate nor have
14 an ownership interest in an entity which provides all of
15 the functions of a tissue procurement provider.

16 (ii) If there is no valid selection under
17 subparagraph (i) or if the organization selected under
18 subparagraph (i) is unwilling to carry out the review,
19 the department shall select to carry out the review any
20 other Commonwealth-licensed organ procurement
21 organization. For an organ procurement organization to be
22 selected under this subparagraph, the organization must
23 not operate nor have an ownership interest in an entity
24 which provides all of the functions of a tissue
25 procurement provider.

26 (iii) If there is no valid selection under
27 subparagraph (ii) or if the organization selected under
28 subparagraph (ii) is unwilling to carry out the review,
29 the department shall carry out the review using trained
30 department personnel.

1 (3) There shall be no cost assessed against a hospital
2 for a review under this subsection.

3 (4) If the department finds, on the basis of a review
4 under this subsection, that a hospital is not in compliance
5 with subsection (d), the department may impose an
6 administrative fine of up to \$500 for each instance of
7 noncompliance. A fine under this paragraph is subject to 2
8 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of
9 Commonwealth agencies) and Ch. 7 Subch. A (relating to
10 judicial review of Commonwealth agency action). Fines
11 collected under this paragraph shall be deposited into the
12 fund.

13 (5) An organ procurement organization may, upon request
14 and payment of associated fees, obtain certified copies of
15 death records of a donor from the Division of Vital Records
16 of the department.

17 (h) Definitions.--As used in this section, the following
18 words and phrases shall have the meanings given to them in this
19 subsection:

20 "Designated requestor." A hospital employee completing a
21 course offered by [an] a designated organ procurement
22 organization on how to approach potential donor families and
23 request organ or tissue donation.

24 "Noncompliance." Any failure on the part of a hospital to
25 contact an organ procurement organization as required under
26 subsection (d).

27 SECTION 6.1. SECTION 8619 OF TITLE 20, AMENDED DECEMBER 17, <--
28 2015 (P.L.452, NO.79), IS AMENDED TO READ:

29 § 8619. Use of driver's license or identification card to
30 indicate organ or tissue donation.

1 ~~(a) General rule. Beginning as soon as practicable, but no~~ <--
2 ~~later than January 1, 1995, or one year following the effective~~
3 ~~date of this section, whichever is later, the Department of~~
4 ~~Transportation shall redesign the driver's license and~~
5 ~~identification card application system to process requests for~~
6 ~~information regarding consent of the individual to organ or~~
7 ~~tissue donation. The following question shall be asked:~~

8 (A) GENERAL RULE.--THE DEPARTMENT OF TRANSPORTATION SHALL <--
9 REDESIGN THE DRIVER'S LICENSE AND IDENTIFICATION CARD
10 APPLICATION SYSTEM TO PROCESS REQUESTS FOR INFORMATION REGARDING
11 CONSENT OF THE INDIVIDUAL TO ORGAN OR TISSUE DONATION. THE
12 FOLLOWING QUESTION SHALL BE ASKED ON BOTH THE APPLICATION FOR A
13 DRIVER'S LICENSE OR IDENTIFICATION CARD AND ON THE ORGAN DONOR
14 DESIGNATION AT A PHOTO CENTER:

15 PENNSYLVANIA STRONGLY SUPPORTS ORGAN AND TISSUE DONATION
16 BECAUSE OF ITS LIFE-SAVING AND LIFE-ENHANCING
17 OPPORTUNITIES.

18 Do you wish to have the organ donor designation printed
19 on your driver's license?

20 Only an affirmative response of an individual shall be noted on
21 the front of the driver's license or identification card and
22 shall clearly indicate the individual's intent to donate his
23 organs or tissue. A notation on an individual's driver's license
24 or identification card that he intends to donate his organs or
25 tissue is deemed sufficient to satisfy all requirements for
26 consent to organ or tissue donation. The department shall record
27 and store all donor designations in the Donate Life PA Registry.
28 The recorded and stored designation is sufficient to satisfy all
29 requirements for consent to organ and tissue donation. The
30 recorded and stored designation is not a public record subject

1 to disclosure as defined in section 102 of the act of February
2 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.
3 AUTHORIZATION FOR DONATION OF VASCULARIZED COMPOSITE ALLOGRAFTS, <--
4 INCLUDING FACE AND HAND TRANSPLANTS, SHALL BE SUBJECT TO THE
5 REQUIREMENTS SET FORTH IN FEDERAL LAW, REGULATIONS AND
6 STANDARDS.

7 (b) Electronic access.--The organ procurement organizations
8 designated by the Federal Government in the Commonwealth of
9 Pennsylvania as part of the nationwide organ procurement network
10 [may] shall be given 24-hour-a-day electronic access to
11 information necessary to confirm an individual's organ donor
12 status through the Department of Transportation's driver
13 licensing database. Necessary information shall include the
14 individual's name, address, date of birth, driver's license
15 number and organ donor status. Notwithstanding 75 Pa.C.S. § 6114
16 (relating to limitation on sale, publication and disclosure of
17 records), the Department of Transportation is authorized to
18 provide the organ procurement organizations, after a written
19 agreement between the Department of Transportation and the organ
20 procurement organizations is first obtained, with the foregoing
21 information. The organ procurement organization shall not use
22 such information for any purpose other than to confirm an
23 individual's organ donor status at or near or after an
24 individual's death. The organ procurement organizations shall
25 not be assessed the fee for such information prescribed by 75
26 Pa.C.S. § 1955(a) (relating to information concerning drivers
27 and vehicles).

28 SECTION 6.2. SECTIONS 8621, 8622, 8623 AND 8624 OF TITLE 20 <--
29 ARE AMENDED TO READ:

30 § 8621. The Governor Robert P. Casey Memorial Organ and Tissue

1 Donation Awareness Trust Fund contributions.

2 (a) Driver's license.--

3 (1) Beginning as soon as practicable, but no later than
4 [January 1, 1995] 10 months after the effective date of this
5 paragraph, the Department of Transportation shall provide an
6 applicant for an original or renewal driver's license or
7 identification card the opportunity to make a contribution of
8 [\$1] \$3 to the fund. The contribution shall be added to the
9 regular fee for an original or renewal driver's license or
10 identification card. One contribution may be made for each
11 issuance or renewal of a license or identification card.
12 Contributions shall be used exclusively for the purposes set
13 out in section 8622 (relating to The Governor Robert P. Casey
14 Memorial Organ and Tissue Donation Awareness Trust Fund).

15 (2) The Department of Transportation shall monthly
16 determine the total amount designated under this section and
17 shall report that amount to the State Treasurer, who shall
18 transfer that amount to The Governor Robert P. Casey Memorial
19 Organ and Tissue Donation Awareness Trust Fund.

20 (3) The Governor Robert P. Casey Memorial Organ and
21 Tissue Donation Awareness Trust Fund shall reimburse the
22 Department of Transportation for the costs incurred in the
23 initial development and implementation of the contribution
24 program, as well as any additional costs that may arise from
25 changes that are agreed to by both the Department of
26 Transportation and the advisory committee.

27 (b) Vehicle registration.--[The]

28 (1) Beginning as soon as practicable, but no later than
29 10 months after the effective date of this paragraph, the
30 Department of Transportation shall provide an applicant for a

1 renewal vehicle registration the opportunity to make a
2 contribution of [\$1] \$3 to The Governor Robert P. Casey
3 Memorial Organ and Tissue Donation Awareness Trust Fund. The
4 contribution shall be added to the regular fee for a renewal
5 of a vehicle registration. One contribution may be made for
6 each renewal vehicle registration. Contributions shall be
7 used exclusively for the purposes described in section 8622.

8 (2) The Department of Transportation shall monthly
9 determine the total amount designated under this section and
10 shall report that amount to the State Treasurer, who shall
11 transfer that amount to The Governor Robert P. Casey Memorial
12 Organ and Tissue Donation Awareness Trust Fund.

13 (3) The Governor Robert P. Casey Memorial Organ and
14 Tissue Donation Awareness Trust Fund shall reimburse the
15 [department for the initial costs incurred in the development
16 and implementation of the contribution program under this
17 subsection] Department of Transportation for the costs
18 incurred in the initial development and implementation of the
19 contribution program, as well as any additional costs that
20 may arise from changes that are agreed to by both the
21 Department of Transportation and the advisory committee.

22 (4) The General Fund shall reimburse the Department of
23 Transportation for the actual annual operating costs of the
24 program for vehicle registrations as described in this
25 subsection. [subject to the following limits: For the first
26 fiscal year during which this subsection is effective, the
27 General Fund shall reimburse the Department of Transportation
28 for the actual operating costs of the program in this
29 subsection up to a maximum of \$100,000. For each fiscal year
30 thereafter, the General Fund shall reimburse the Department

1 of Transportation for the actual operating costs of the
2 program in this subsection in an amount not to exceed the
3 prior year's actual operating costs on a full fiscal year
4 basis plus 3%. The amounts approved by the Governor as
5 necessary are hereby appropriated from the General Fund for
6 this purpose.]

7 ~~(c) Internet website. Within one year of the effective date <--~~
8 ~~of this subsection, the official Internet website of the~~
9 ~~department shall provide links through which individuals may~~
10 ~~make voluntary contributions of at least \$1 to the fund,~~
11 ~~electronically. The links shall be provided at least in~~
12 ~~connection with the issuance of driver's licenses, personal~~
13 ~~identification cards and registration of motor vehicles.~~

14 (C) INTERNET WEBSITE.--THE FOLLOWING SHALL BECOME EFFECTIVE <--
15 WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SUBSECTION:

16 (1) THE OFFICIAL INTERNET WEBSITE OF THE DEPARTMENT OF
17 TRANSPORTATION SHALL PROVIDE LINKS THROUGH WHICH PERSONS MAY
18 ELECTRONICALLY MAKE VOLUNTARY CONTRIBUTIONS OF AT LEAST \$1 TO
19 THE FUND. AT A MINIMUM, THE LINKS SHALL BE PROVIDED IN
20 ACCORDANCE WITH SUBSECTION (A) (1) AND SUBSECTION (B) (1).

21 (2) THE DEPARTMENT OF HEALTH SHALL PROVIDE DETAILED
22 INFORMATION ON ITS OFFICIAL INTERNET WEBSITE, WRITTEN IN
23 NONLEGAL TERMS, IN BOTH ENGLISH AND SPANISH, ABOUT ORGAN
24 DONATION, INCLUDING:

25 (I) THE LAWS OF THIS COMMONWEALTH.

26 (II) THE RISKS AND BENEFITS OF ORGAN DONATION.

27 (III) THE LAWS OF THIS COMMONWEALTH REGARDING LIVING
28 WILLS, ADVANCE DIRECTIVES, DO-NOT-RESUSCITATE ORDERS AND
29 OTHER DOCUMENTS WHICH CAN BE USED TO PROVIDE, LIMIT OR
30 DENY MAKING AN ANATOMICAL DONATION.

1 (IV) A DESCRIPTION REGARDING:

2 (A) THE PROCEDURE USED BY HOSPITALS AND ORGAN
3 PROCUREMENT ORGANIZATIONS TO ASK FAMILY MEMBERS IF
4 THE DECEDENT WILL BE AN ORGAN DONOR;

5 (B) IF THE DECEDENT MAY BE OR IS AN ORGAN DONOR,
6 THE TYPES OF TESTS THAT WILL BE PERFORMED ON THE
7 DECEDENT AND THE PROCEDURE USED TO HARVEST ORGANS,
8 TISSUES AND EYES, INCLUDING ANY DIFFERENCES IN THE
9 PROCEDURE USED TO HARVEST ORGANS; AND

10 (C) BRAIN DEATH AND CARDIAC DEATH.

11 (V) A STATEMENT THAT A PERSON MAY CONSULT WITH THEIR
12 PHYSICIAN OR THEIR ATTORNEY BEFORE MAKING THE DECISION TO
13 MAKE AN ANATOMICAL GIFT.

14 (VI) A STATEMENT INDICATING THAT IF THE PERSON
15 INTENDS TO WITHHOLD OR WITHDRAW LIFE-SUSTAINING MEASURES
16 THROUGH AN ADVANCE DIRECTIVE, LIVING WILL OR OTHER
17 DOCUMENT, THAT SUCH CHOICES FOR THEIR END-OF-LIFE CARE
18 MAY BE INCOMPATIBLE WITH ORGAN DONATION.

19 (3) THE DEPARTMENT OF HEALTH SHALL PROVIDE THE MATERIAL
20 LISTED IN PARAGRAPH (2) IN WRITTEN FORM, IN ENGLISH AND IN
21 SPANISH, AT ALL DRIVER'S LICENSE CENTERS ACROSS THIS
22 COMMONWEALTH. ADDITIONALLY, THE DEPARTMENT SHALL PROVIDE SUCH
23 MATERIALS UPON REQUEST, INCLUDING THE REQUEST OF ANOTHER
24 AGENCY OF THE COMMONWEALTH.

25 § 8622. The Governor Robert P. Casey Memorial Organ and Tissue
26 Donation Awareness Trust Fund.

27 (a) Establishment.--All contributions received by the
28 Department of Transportation under section 8621 (relating to The
29 Governor Robert P. Casey Memorial Organ and Tissue Donation
30 Awareness Trust Fund contributions) [and the Department of

1 Revenue under section 8618 (relating to voluntary contribution
2 system)] and the Department of Health under section 8617
3 (relating to requests for anatomical gifts) shall be deposited
4 into a special fund in the State Treasury to be known as The
5 Governor Robert P. Casey Memorial Organ and Tissue Donation
6 Awareness Trust Fund, which is hereby established.

7 (b) Appropriation.--All moneys deposited in the fund and
8 interest which accrues from those funds are appropriated on a
9 continuing basis subject to the approval of the Governor to
10 compensate the Department of Transportation, the Department of
11 Health and the Department of Revenue for actual costs related to
12 implementation of this chapter, including all costs of the Organ
13 and Tissue Donation Advisory Committee created in subsection
14 [(c)] (c.1). Any remaining funds are appropriated subject to the
15 approval of the Governor for the following purposes:

16 (1) [10%] Ten percent of the total fund may be expended
17 annually by the Department of Health for reasonable hospital
18 and other medical expenses, funeral expenses and incidental
19 expenses incurred by the donor or donor's family in
20 connection with making [a vital organ donation] an organ or
21 tissue donation, along with programming, to provide support
22 services to organ and tissue donors and their families, such
23 as bereavement counseling services. Such expenditures shall
24 not exceed \$3,000 per donor and shall only be made directly
25 to the funeral home, hospital or other service provider
26 related to the donation. No part of the fund shall be
27 transferred directly to the donor's family, next of kin or
28 estate. The advisory committee shall develop procedures,
29 including the development of a pilot program, necessary for
30 effectuating the purposes of this paragraph.

1 (2) [50%] Fifty percent may be expended for grants to
2 certified organ procurement organizations for the development
3 and implementation of organ donation awareness programs in
4 this Commonwealth. The Department of Health shall develop and
5 administer this grant program, which is hereby established.

6 (3) [15%] Fifteen percent may be expended by the
7 Department of Health, in cooperation with certified organ
8 procurement organizations, for the Project-Make-A-Choice
9 program, which shall include information pamphlets designed
10 by the Department of Health relating to organ donor awareness
11 and the laws regarding organ donation, public information and
12 public education about contributing to the fund when
13 obtaining or renewing a driver's license and when completing
14 a State individual income tax return form. PROJECT MAKE-A- <--
15 CHOICE SHALL ALSO PROVIDE THE WEB ADDRESS AND A LINK FOR THE
16 DEPARTMENT OF TRANSPORTATION'S INTERNET WEBSITE UNDER SECTION
17 8621(C) (2) (RELATING TO THE GOVERNOR ROBERT P. CASEY MEMORIAL
18 ORGAN AND TISSUE DONATION AWARENESS TRUST FUND
19 CONTRIBUTIONS), AND A STATEMENT THAT DETAILED INFORMATION
20 ABOUT ORGAN DONATION CAN BE FOUND ON THE DEPARTMENT OF
21 HEALTH'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

22 (4) [25%] Twenty-five percent may be expended by the
23 Department of Education for the implementation of organ
24 donation awareness programs in the secondary schools in this
25 Commonwealth.

26 [(c) Advisory committee.--The Organ Donation Advisory
27 Committee is hereby established, with membership as follows:

28 (1) Two representatives of organ procurement
29 organizations.

30 (2) Two representatives of tissue procurement providers.

1 (3) Six members representative of organ, tissue and eye
2 recipients, families of recipients and families of donors.

3 (4) Three representatives of acute care hospitals.

4 (5) One representative of the Department of Health.

5 (6) One representative of eye banks.

6 All members shall be appointed by the Governor. Appointments
7 shall be made in a manner that provides representation of the
8 northwest, north central, northeast, southwest, south central
9 and southeast regions of this Commonwealth. Members shall serve
10 five-year terms. The Governor may reappoint advisory committee
11 members for successive terms. Members of the advisory committee
12 shall remain in office until a successor is appointed and
13 qualified. If vacancies occur prior to completion of a term, the
14 Governor shall appoint another member in accordance with this
15 subsection to fill the unexpired term. The advisory committee
16 shall meet at least biannually to review progress in the area of
17 organ and tissue donation in this Commonwealth, recommend
18 education and awareness training programs, recommend priorities
19 in expenditures from the fund and advise the Secretary of Health
20 on matters relating to administration of the fund. The advisory
21 committee shall recommend legislation as it deems necessary to
22 fulfill the purposes of this chapter. The advisory committee
23 shall submit a report concerning its activities and progress to
24 the General Assembly within 30 days prior to the expiration of
25 each legislative session. The Department of Health shall
26 reimburse members of the advisory committee for all necessary
27 and reasonable travel and other expenses incurred in the
28 performance of their duties under this section.]

29 (c.1) Advisory committee.--

30 (1) The Organ and Tissue Donation Advisory Committee is

1 established. EACH MEMBER SHALL BE APPOINTED BY THE GOVERNOR. <--

2 Membership shall be as follows:

3 (i) The Secretary of Education or a designee.

4 (ii) The Secretary of Health or a designee.

5 (iii) The Secretary of Transportation or a designee.

6 (IV) THE SECRETARY OF THE COMMONWEALTH OR A <--

7 DESIGNEE.

8 ~~(iv)~~ (V) One representative from each designated <--

9 organ procurement organization.

10 ~~(v)~~ (VI) Two representatives of tissue procurement <--

11 providers.

12 ~~(vi)~~ (VII) Six members representative of: <--

13 (A) organ, tissue and eye recipients;

14 (B) families of recipients;

15 (C) donors; and

16 (D) families of donors.

17 ~~(vii)~~ (VIII) Two representatives of acute care <--
18 hospitals which are:

19 (A) licensed in this Commonwealth; and

20 (B) members of the Statewide association

21 representing the interests of hospitals throughout
22 this Commonwealth.

23 ~~(viii)~~ (IX) One representative of eye banks. <--

24 ~~(ix)~~ (X) One representative of community health <--
25 organizations.

26 ~~(x)~~ (XI) One elected county coroner of this <--
27 Commonwealth.

28 (2) A member under paragraph (1)(i), (ii) and, (iii) AND <--
29 (IV) shall serve ex officio.

30 (3) For a member under paragraph ~~(1)(iv), (v), (vi),~~ <--

1 ~~(vii), (viii), (ix) and (x)~~ (1) (V), (VI), (VII), (VIII), <--
2 (IX), (X) AND (XI), the following apply:

3 (i) Members shall be appointed in a manner which
4 reflects geographic diversity. Input on the selection of
5 the representatives under paragraph ~~(1)(vii)~~ (1) (VIII) <--
6 shall be sought from the Statewide association referred
7 to in paragraph ~~(1)(vii)(B)~~ (1) (VIII) (B). <--

8 (ii) The members shall serve five-year terms.

9 (iii) The Governor may reappoint an advisory
10 committee member for successive terms.

11 (iv) A member shall remain in office until a
12 successor is appointed and qualified.

13 (v) If a vacancy occurs prior to completion of a
14 term, the Governor shall appoint a member to fill the
15 unexpired term in the same manner as the vacating member
16 was appointed.

17 (4) The advisory committee shall meet at least
18 biannually to do all of the following:

19 (i) Review progress in the area of organ and tissue
20 donation in this Commonwealth.

21 (ii) Recommend education and awareness training
22 programs.

23 (iii) Recommend priorities in expenditures from the
24 fund.

25 (iv) Advise the Secretary of Health on matters
26 relating to administration of the fund.

27 (v) Recommend legislation as necessary to fulfill
28 the purposes of this chapter.

29 (5) The advisory committee shall submit a report
30 concerning its activities and progress to the Secretary of

1 the Senate and the Chief Clerk of the House of
2 Representatives by October 31 of each even-numbered year. A <--
3 FINAL WRITTEN REPORT UNDER THIS SECTION SHALL BE ADOPTED AT A
4 PUBLIC MEETING. THE REPORT SHALL BE A PUBLIC RECORD UNDER THE
5 ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-
6 TO-KNOW LAW.

7 (6) The Department of Health shall reimburse members of
8 the advisory committee only for necessary and reasonable
9 travel and other expenses incurred in the performance of
10 their duties under this subsection.

11 (d) Reports.--The Department of Health, the Department of
12 Transportation and the Department of Education shall submit an
13 annual report to the General Assembly on expenditures of fund
14 moneys and any progress made in [reducing the number of
15 potential donors who were not identified] increasing the number
16 of donor designations.

17 [(e) Definition.--As used in this section, the term "vital
18 organ" means a heart, lung, liver, kidney, pancreas, small
19 bowel, large bowel or stomach for the purpose of
20 transplantation.]

21 (f) Lead Commonwealth agency.--

22 (1) The Department of Health shall be the lead
23 Commonwealth agency responsible for promoting organ and
24 tissue donation in this Commonwealth and shall coordinate
25 activities among other collaborating Commonwealth agencies.

26 (2) Within the Department of Health there is established
27 a full-time position of Organ and Tissue Donation Awareness
28 Program Coordinator.

29 (i) The Department of Health shall be reimbursed by
30 The Governor Robert P. Casey Memorial Organ and Tissue

1 Donation Awareness Trust Fund for the actual cost of the
2 program coordinator position.

3 (ii) The program coordinator has the following
4 powers and duties:

5 (A) Assist in administration of the fund.

6 (B) Serve as a full-time liaison to the advisory
7 committee and assist the advisory committee in
8 program development, projects, funding proposals and
9 priorities.

10 (C) Serve as liaison with other Commonwealth
11 agencies. This clause shall include working with the
12 Department of Transportation to ensure that driver's
13 license centers promote organ and tissue donation and
14 comply with agreed-upon arrangements to display
15 information and materials.

16 (D) Assist designated organ procurement
17 organizations in their collaborations with other
18 Commonwealth agencies.

19 (E) Provide input to designated organ
20 procurement organizations regarding training of
21 individuals performing notifications under section
22 8617(c). Such training shall encourage discretion and
23 sensitivity to family circumstances and the
24 circumstances of the potential donor's death in all
25 discussions regarding donations of tissue or organs
26 and take into account the potential donor's religious
27 beliefs or nonsuitability for organ and tissue
28 donation.

29 (F) Assist in resolving issues that may arise in
30 hospitals in this Commonwealth regarding donation.

1 § 8623. Confidentiality requirement.

2 [The identity of the donor and of the recipient may not be
3 communicated unless expressly authorized by the recipient and
4 next of kin of the decedent.]

5 (a) General rule.--Except as provided in subsection (b), no
6 procurement organization may divulge any individually
7 identifiable information acquired in the course of performing
8 its responsibilities under this chapter except for the purposes
9 of facilitating organ, eye or tissue donation and
10 transplantation or as otherwise required under applicable laws.

11 (b) Donors and recipients.--A procurement organization may
12 communicate individually identifiable information of the donor
13 and recipient if expressly authorized by:

14 (1) the recipient; and

15 (2) if the donor is alive, the donor, or if the donor is
16 deceased, the next of kin of the donor.

17 § 8624. Prohibited activities.

18 [(a) Affiliates.--No organ procurement organization selected
19 by the Department of Health under section 8617(g) (relating to
20 requests for anatomical gifts) to conduct annual death reviews
21 may use that review authority or any powers or privileges
22 granted thereby to coerce or attempt to coerce a hospital to
23 select the organization or any tissue procurement provider
24 contractually affiliated with the organization as a designated
25 tissue procurement provider under section 8617(e).

26 (b) Unfair acts.--No organ procurement organization or
27 tissue procurement provider may disparage the services or
28 business of other procurement providers by false or misleading
29 representations of fact, engage in any other fraudulent conduct
30 to influence the selection by a hospital of a qualified tissue

1 procurement provider nor engage in unlawful competition or
2 discrimination. This subsection is not intended to restrict or
3 preclude any organ procurement organization or tissue
4 procurement provider from marketing or promoting its services in
5 the normal course of business.]

6 (c) Procurement organizations.--

7 (1) A procurement organization shall not do any of the
8 following:

9 (i) Disparage the services or business of another
10 procurement organization by false or misleading
11 representations of fact.

12 (ii) Engage in fraudulent conduct to influence the
13 selection by a hospital of a tissue bank or eye bank.

14 (iii) Engage in unlawful competition or
15 discrimination.

16 (2) This subsection is not intended to restrict or
17 preclude an organ procurement organization from marketing or
18 promoting its services in the normal course of business.

19 (d) Funeral establishments.--

20 (1) Except as set forth in paragraph (2), a funeral
21 director or a funeral establishment shall not:

22 (i) remove body parts from a corpse;

23 (ii) permit others to remove body parts from a
24 corpse; or

25 (iii) use funeral establishment facilities to remove
26 body parts from a corpse.

27 (2) Paragraph (1) shall not apply as follows:

28 (i) Removal is permissible if it is:

29 (A) necessary to perform embalming or other
30 services in preparation for burial or cremation; and

1 (B) authorized in writing by a family member,
2 guardian or other person responsible for disposition
3 of the body.

4 (ii) Notwithstanding any other provision of law, if
5 a donation is authorized under this chapter, a designated
6 organ procurement organization and a Pennsylvania
7 nonprofit eye bank accredited by the Eye Bank Association
8 of America may recover donated ocular tissue, including
9 the whole eye, cornea and sclera, and associated blood
10 specimens at a funeral establishment.

11 (3) If a funeral director is notified by a person
12 authorized to make donations under this chapter that the
13 person wishes to donate body parts from a corpse within the
14 funeral director's custody, the funeral director shall
15 immediately notify the organ procurement organization
16 designated to serve that region.

17 Section 7. Title 20 is amended by adding sections to read:
18 § 8625. Promotion of organ and tissue donation; Donate Life PA
19 Registry established.

20 (a) Promotion.--The Department of Transportation shall
21 ensure access by residents of this Commonwealth to an Internet-
22 based interface which promotes organ and tissue donation and
23 enables residents 18 years of age or older who hold a
24 Pennsylvania driver's license or identification card to register
25 as donors and have that designation immediately integrated into
26 the current database maintained by the Department of
27 Transportation.

28 (b) Paper form.--

29 (1) Within one year of the effective date of this
30 section, the department shall establish a system which allows

1 individuals who have been issued a driver's license or
2 identification card to add their donor designation to the
3 Donate Life PA Registry by submitting a form to the
4 department.

5 (2) Registration shall be provided at no cost to the
6 registrant.

7 (c) Donate Life PA Registry; name.--That portion of the
8 database maintained by the department for recording donor
9 designations and Internet-based interface established in this
10 section shall be known as the Donate Life PA Registry.

11 (d) Form and content.--The form and content of the Internet-
12 based interface shall be maintained in collaboration with the <--
13 designated organ procurement organizations. DETERMINED AND <--
14 MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION, AFTER CONSULTING
15 WITH THE DESIGNATED ORGAN PROCUREMENT ORGANIZATIONS.

16 (e) Effect.--

17 (1) Donor information entered into the Donate Life PA
18 Registry shall supersede prior conflicting information:

19 (i) provided to the Donate Life PA Registry;
20 (ii) on the individual's physical driver's license
21 or identification card;

22 (iii) on an advance health care directive; OR <--

23 (iv) submitted under section 8611 (relating to
24 persons who may execute anatomical gift); or. <--

25 (v) submitted under any other statutory provision. <--

26 (2) Registration by a donor shall constitute sufficient
27 authorization to donate organs and tissues for
28 transplantation and therapy. Authorization of another person
29 shall not be necessary to effectuate the anatomical gift.

30 (f) Technology.--An information technology system adopted by

1 the Department of Transportation after the effective date of
2 this section shall continue to accommodate the inclusion of
3 donor designation information into the database and the ongoing
4 operation of the Donate Life PA Registry.

5 § 8626. Facilitation of anatomical gift from decedent whose
6 death is under investigation.

7 (a) Coordination.--

8 (1) Upon identification of a prospective donor, ~~an organ~~<--
9 ~~procurement organization~~ A HOSPITAL shall, within a <--
10 reasonable time, notify the coroner or medical examiner of
11 the county in which the prospective donor is located.

12 (2) Upon notification as described in paragraph (1), a
13 coroner or medical examiner intending to investigate a
14 prospective donor's death shall, to the extent applicable and
15 reasonable under the circumstances:

16 (i) Notify the coroner or medical examiner of the
17 county in which the cause precipitating the prospective
18 donor's death is believed to have occurred, who shall
19 then cause the district attorney of the county to be
20 notified in accordance with internal county protocols.

21 (ii) Notify the applicable organ procurement
22 organization of any change in jurisdiction.

23 (3) Organ procurement organizations shall in all cases
24 cooperate with the coroner or medical examiner in order to
25 facilitate the preservation and collection of forensic
26 evidence. Organ procurement organizations shall not move or
27 cause to be moved a prospective donor without authorization
28 of the coroner or medical examiner having jurisdiction. Upon
29 request, an organ procurement organization shall provide or
30 assist the coroner or medical examiner in obtaining:

- 1 (i) Medical records.
- 2 (ii) Photographs.
- 3 (iii) Specimens, including blood and tissue.
- 4 (iv) Laboratory and diagnostic test results.
- 5 (v) Any other available information.

6 (4) If applicable, the coroner or medical examiner shall
7 timely notify the organ procurement organization of any
8 additional requests from the coroner, medical examiner or
9 district attorney of the county where the cause of death is
10 believed to have occurred, including scheduling the recovery
11 procedure to permit their attendance where the scheduling can
12 be done in a time frame consistent with facilitating
13 anatomical donation. Attendance may be in person or, if in-
14 person attendance is not possible in a time frame consistent
15 with facilitating anatomical donation and, if available, by
16 electronic communication which includes a live visual
17 depiction of the recovery procedure.

18 (5) Notwithstanding the provisions of 18 Pa.C.S. Ch. 91
19 (relating to criminal history record information), a coroner
20 or medical examiner shall, upon request, release to the organ
21 procurement organization the name, contact information and
22 available medical and social history of a decedent whose
23 death is under investigation. THE INFORMATION PROVIDED UNDER <--
24 THIS PARAGRAPH SHALL BE EXEMPT FROM THE ACT OF FEBRUARY 14,
25 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

26 (b) Facilitation of donation.--Where a coroner or medical
27 examiner has jurisdiction in the case of a prospective organ
28 donor, THE CORONER OR MEDICAL EXAMINER SHALL HAVE THE FINAL <--
29 AUTHORITY TO DISALLOW AN ANATOMICAL GIFT AND the following shall
30 apply:

1 (1) If the coroner or medical examiner is considering
2 denying recovery of one or more organs intended for
3 transplant or therapy, the coroner or medical examiner shall
4 notify the applicable organ procurement organization.

5 ~~(2) If requested by the organ procurement organization, <--~~
6 ~~the coroner or medical examiner or designee shall attend the~~
7 ~~organ recovery procedure and the following shall apply:~~

8 ~~(i) The organ procurement organization shall use its~~
9 ~~best efforts to schedule the recovery procedure at the~~
10 ~~time reasonably requested by the coroner or medical~~
11 ~~examiner.~~

12 ~~(ii) The coroner or medical examiner or designee may~~
13 ~~only deny removal of the organ if, in his judgment, the~~
14 ~~removal of the organ may interfere with or impede the~~
15 ~~investigation of the cause, manner and mechanism of~~
16 ~~death. For the denial to be valid, the coroner or medical~~
17 ~~examiner or designee must be in attendance at the~~
18 ~~recovery procedure. Attendance must be in person or, if~~
19 ~~in person attendance is not possible in a time frame~~
20 ~~consistent with facilitating donation and, if available,~~
21 ~~by electronic communication which includes a live visual~~
22 ~~depiction of the recovery procedure.~~

23 ~~(2) FOR A DENIAL TO BE VALID, ATTENDANCE OF THE CORONER, <--~~
24 ~~MEDICAL EXAMINER OR A DESIGNEE AT THE ORGAN RECOVERY~~
25 ~~PROCEDURE MAY BE IN-PERSON OR, IF IN-PERSON ATTENDANCE IS NOT~~
26 ~~POSSIBLE IN A TIME FRAME CONSISTENT WITH FACILITATING~~
27 ~~ANATOMICAL DONATION, ATTENDANCE SHALL BE BY ELECTRONIC~~
28 ~~COMMUNICATION WHICH INCLUDES A LIVE VISUAL DEPICTION OF THE~~
29 ~~PROSPECTIVE DONOR. THE FOLLOWING SHALL APPLY:~~

30 ~~(iii) (I) If the coroner or medical examiner or <--~~

1 designee denies removal of the organ, the coroner or
2 medical examiner shall explain, in writing, the reason
3 for determining that the removal of the organ may
4 interfere with or impede the investigation of the cause,
5 manner and mechanism of death. THE INFORMATION SHALL BE <--
6 EXEMPT FROM THE RIGHT-TO-KNOW LAW.

7 ~~(iv)~~ (II) No removal of the organ shall occur if the <--
8 coroner or medical examiner or designee has denied
9 recovery in accordance with ~~subparagraph (ii)~~ and <--
10 complied with the procedure in ~~subparagraph (iii)~~ THIS <--
11 PARAGRAPH.

12 ~~(v)~~ (III) The applicable organ procurement <--
13 organization shall reimburse the coroner or medical
14 examiner for the reasonable costs of attendance at the
15 recovery procedure.

16 (c) Report.--If requested by the coroner, medical examiner
17 or district attorney, the physician ~~or technician~~ recovering an <--
18 organ under this section shall provide a report and, if
19 necessary, be available to provide testimony in any proceeding,
20 detailing the condition of the organ and the recovery procedure.
21 Reasonable costs associated with a physician or technician's
22 providing testimony under this section shall be paid by the
23 designated organ procurement organization. A REPORT PREPARED <--
24 UNDER THIS SUBSECTION SHALL BE EXEMPT FROM THE RIGHT-TO-KNOW
25 LAW.

26 (d) Timing.--The requirements of this section shall be
27 performed in a manner and time frame consistent with anatomical
28 donation.

29 § 8627. Collaboration among departments and organ procurement
30 organizations.

1 (a) Mandatory.--

2 (1) For purposes of the ongoing development and
3 implementation of the Donate Life PA Registry, the Department
4 of Transportation shall collaborate with the designated organ
5 procurement organizations in applying for Federal or private
6 grants recommended by the organ procurement organizations.

7 (2) The Department of Transportation, in consultation
8 with designated organ procurement organizations, shall
9 establish an annual education program for photo license
10 technicians of the Department of Transportation.

11 (b) Discretionary.--Other Commonwealth agencies may
12 collaborate with the designated organ procurement organizations
13 in applying for Federal or private grants recommended by the
14 organ procurement organizations.

15 § 8628. Information relative to organ and tissue donation.

16 (a) Curriculum.--The Department of Education, in
17 consultation with the designated organ procurement
18 organizations, shall review the Commonwealth's educational
19 curriculum framework to ensure that information about organ
20 donation is included in the standards for students in grades 9
21 through 12 beginning with the 2016-2017 school year. THE FORM <--
22 AND CONTENT OF THE CURRICULUM REGARDING ORGAN DONATION SHALL BE
23 DETERMINED BY THE DEPARTMENT OF EDUCATION.

24 (b) Goals.--The goals of the standards shall be to:

25 ~~(1) Emphasize the benefits of organ and tissue donation~~ <--
26 ~~to the health and well being of society generally and to~~
27 ~~individuals whose lives are saved by organ and tissue~~
28 ~~donations so that students will be motivated to make an~~
29 ~~affirmative decision to register as a donor when they become~~
30 ~~adults.~~

1 (1) PROVIDE A COMPREHENSIVE, SCIENTIFIC OVERVIEW OF <--
2 ANATOMICAL DONATION, ITS HISTORY AND SCIENTIFIC ADVANCEMENT.

3 (2) Fully address THE RISKS AND BENEFITS OF AND THE <--
4 myths and misunderstandings regarding organ and tissue
5 donation.

6 (3) Explain the options available to minors and adults,
7 including the option of designating oneself as an organ and
8 tissue donor AND THE OPTION OF NOT DESIGNATING ONESELF AS AN <--
9 ORGAN DONOR.

10 (c) Materials.--The Department of Education shall make
11 related instructional materials available to public and
12 nonpublic schools educating students in grades nine through
13 twelve. The General Assembly shall encourage nonpublic schools
14 to use the instructional materials. Nothing in this subsection
15 shall be construed to require nonpublic schools to use the
16 instructional materials.

17 (C.1) PARENTAL OPTION.--A MINOR ENROLLED IN A PUBLIC OR <--
18 NONPUBLIC SCHOOL MAY BE PERMITTED TO OPT OUT OF RECEIVING
19 INSTRUCTION OR MATERIALS RELATING TO ANATOMICAL DONATION AS
20 PROVIDED UNDER THIS SECTION, IF THE MINOR'S PARENT OR GUARDIAN
21 HAS PROVIDED WRITTEN NOTICE TO THE SCHOOL.

22 (d) Institutions of higher education.--

23 (1) Beginning with the 2016-2017 school year, each
24 public institution of higher education in this Commonwealth
25 ~~shall~~ MAY provide, in collaboration with the designated organ <--
26 procurement organizations, information to its students,
27 either through student health services or as part of the
28 curriculum, which:

29 ~~(i) emphasizes the benefits to the health and well~~ <--
30 ~~being of society and the lives that are saved through~~

~~organ and tissue donations; and~~

~~(ii) instills knowledge which will enable individuals to make informed decisions about registering to become an organ and tissue donor.~~

~~(I) PROVIDES A COMPREHENSIVE, SCIENTIFIC OVERVIEW OF ANATOMICAL DONATION, ITS HISTORY AND SCIENTIFIC ADVANCEMENT; AND~~

~~(II) ADDRESSES THE RISKS AND BENEFITS OF AND THE MYTHS AND MISUNDERSTANDINGS ABOUT ANATOMICAL DONATION.~~

~~(2) Beginning with the 2017-2018 school year, each private institution of higher education in this Commonwealth is encouraged to MAY provide, in collaboration with the designated organ procurement organizations, information to its students, either through student health services or as part of the curriculum, which:~~

~~(i) emphasizes the benefits to the health and well-being of society and the lives that are saved through organ and tissue donations; and~~

~~(ii) instills knowledge which will enable individuals to make informed decisions about registering to become an organ and tissue donor.~~

~~(I) PROVIDES A COMPREHENSIVE, SCIENTIFIC OVERVIEW OF ANATOMICAL DONATION, ITS HISTORY AND SCIENTIFIC ADVANCEMENT; AND~~

~~(II) ADDRESSES THE RISKS AND BENEFITS OF AND THE MYTHS AND MISUNDERSTANDINGS ABOUT ANATOMICAL DONATION.~~

~~§ 8629. Requirements for physician and nurse training relative to organ and tissue donation and recovery.~~

~~(a) Regulations. The State Board of Medicine, the State Board of Osteopathic Medicine and the State Board of Nursing~~

1 ~~shall, in collaboration with the designated organ procurement~~
2 ~~organizations, promulgate regulations stating the following~~
3 ~~requirements for physician and professional nurse training:~~

4 ~~(1) The curriculum in each college of medicine or~~
5 ~~osteopathy or educational program of professional nursing in~~
6 ~~this Commonwealth shall include two hours of instruction in~~
7 ~~organ and tissue donation and recovery designed to address~~
8 ~~clinical aspects of the donation and recovery process.~~

9 ~~(2) Successful completion of organ and tissue donation~~
10 ~~and recovery instruction under paragraph (1) shall be~~
11 ~~required as a condition of receiving the degree of doctor of~~
12 ~~medicine or doctor of osteopathy or a degree in professional~~
13 ~~nursing, in this Commonwealth.~~

14 ~~(3) A college of medicine or osteopathy or nursing~~
15 ~~program which includes instruction in organ and tissue~~
16 ~~donation and recovery under paragraph (1) in its curricula~~
17 ~~shall offer this training for continuing education credit.~~

18 ~~(b) Statement of policy. The State Board of Medicine, the~~
19 ~~State Board of Osteopathic Medicine and the State Board of~~
20 ~~Nursing shall issue a statement of policy encouraging physicians~~
21 ~~and nurses who, prior to the effective date of this section,~~
22 ~~were not required to receive and did not receive instruction in~~
23 ~~organ and tissue donation and recovery as part of a medical,~~
24 ~~osteopathic or nursing school curriculum to complete the~~
25 ~~training within three years after the effective date of this~~
26 ~~section. The training may be completed through an online,~~
27 ~~credit-based course developed by or for the designated organ~~
28 ~~procurement organizations, in collaboration with representative~~
29 ~~professional medical, osteopathic and nursing organizations in~~
30 ~~this Commonwealth.~~

1 THE STATE BOARD OF MEDICINE, THE STATE BOARD OF OSTEOPATHIC
 2 MEDICINE AND THE STATE BOARD OF NURSING SHALL PROMULGATE
 3 REGULATIONS REQUIRING PHYSICIANS, OSTEOPATHIC PHYSICIANS AND
 4 PROFESSIONAL NURSES TO COMPLETE A TWO-HOUR COURSE ON ORGAN AND
 5 TISSUE DONATION AND RECOVERY DESIGNED TO ADDRESS THE CLINICAL
 6 ASPECTS OF THE DONATION AND RECOVERY PROCESS AS A CONDITION OF
 7 THE LICENSE RENEWAL FOR THEIR FIRST RENEWAL AFTER THE EFFECTIVE
 8 DATE OF THIS SECTION.

9 § 8629.1. DEPARTMENT OF TRANSPORTATION.

10 THE FOLLOWING SHALL APPLY:

11 (1) THE SECRETARY OF TRANSPORTATION SHALL PUBLISH NOTICE
 12 IN THE PENNSYLVANIA BULLETIN OF THE COMPLETION OF THE
 13 DEPARTMENT OF TRANSPORTATION'S:

- 14 (I) INTERNET WEBSITE;
- 15 (II) ESTABLISHMENT OF THE DONATE LIFE PA REGISTRY;

16 AND

17 (III) ESTABLISHMENT OF THE LINKS TO ENABLE DONATION
 18 OF MONEY UNDER SECTION 8621 (RELATING TO THE GOVERNOR
 19 ROBERT P. CASEY MEMORIAL ORGAN AND TISSUE DONATION
 20 AWARENESS TRUST FUND CONTRIBUTIONS).

21 (2) UNTIL THE NOTICE UNDER PARAGRAPH (1) IS PUBLISHED,
 22 THE SECRETARY OF TRANSPORTATION SHALL ISSUE A STATEMENT EVERY
 23 60 DAYS TO THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
 24 JUDICIARY COMMITTEE OF THE SENATE AND THE CHAIRPERSON AND
 25 MINORITY CHAIRPERSON OF THE JUDICIARY COMMITTEE OF THE HOUSE
 26 OF REPRESENTATIVES REGARDING THE STEPS TAKEN BY THE
 27 DEPARTMENT TO COMPLETE THE REQUIREMENTS OF PARAGRAPH (1).

28 § 8629.2. DEPARTMENT OF CORRECTIONS.

29 THE DEPARTMENT OF CORRECTIONS SHALL, IN CONSULTATION WITH AN
 30 ORGAN PROCUREMENT ORGANIZATION, PROVIDE INFORMATION TO OR MAKE

1 INFORMATION AVAILABLE ABOUT ANATOMICAL DONATION TO INMATES IN
2 STATE CORRECTIONAL INSTITUTIONS. THE INFORMATION SHALL BE
3 PROVIDED OR MADE AVAILABLE ANNUALLY AND SHALL INCLUDE TOPICS
4 UNDER SECTION 8621(C)(2) (RELATING TO THE GOVERNOR ROBERT P.
5 CASEY MEMORIAL ORGAN AND TISSUE DONATION AWARENESS TRUST FUND
6 CONTRIBUTIONS).

7 § 8630. Uniformity of application and construction.

8 In applying and construing the provisions of this chapter,
9 consideration shall be given to the need to promote uniformity
10 of the law with respect to its subject matter among those states
11 which enact a uniform act.

12 § 8631. Relation to Electronic Signatures in Global and
13 National Commerce Act.

14 This chapter modifies, limits and supersedes the Electronic
15 Signatures in Global and National Commerce Act (Public Law 106-
16 229, 15 U.S.C. § 7001 et seq.). This chapter shall not modify,
17 limit or supersede section 101(c) of the Electronic Signatures
18 in Global and National Commerce Act or authorize electronic
19 delivery of any of the notices described in section 103(b) of
20 the Electronic Signatures in Global and National Commerce Act.

21 Section 8. Subchapter C of Chapter 86 of Title 20 is
22 repealed:

23 [SUBCHAPTER C

24 CORNEAL TRANSPLANTS

25 Sec.

26 8641. Removal of corneal tissue permitted under certain
27 circumstances.

28 8642. Limitation of liability.

29 § 8641. Removal of corneal tissue permitted under certain
30 circumstances.

1 (a) General rule.--On a request from an authorized official
2 of an eye bank for corneal tissue, a coroner or medical examiner
3 may permit the removal of corneal tissue if all of the following
4 apply:

5 (1) The decedent from whom the tissue is to be removed
6 died under circumstances requiring an inquest.

7 (2) The coroner or medical examiner has made a
8 reasonable effort to contact persons listed in section 8611
9 (relating to persons who may execute anatomical gift).

10 (3) No objection by a person listed in section 8611 is
11 known by the coroner or medical examiner.

12 (4) The removal of the corneal tissue will not interfere
13 with the subsequent course of an investigation or autopsy or
14 alter the decedent's postmortem facial appearance.

15 (b) Definition.--As used in this section, the term "eye
16 bank" means a nonprofit corporation chartered under the laws of
17 this Commonwealth to obtain, store and distribute donor eyes to
18 be used by physicians or surgeons for corneal transplants,
19 research or other medical purposes and the medical activities of
20 which are directed by a physician or surgeon in this
21 Commonwealth.

22 § 8642. Limitation of liability.

23 A person who acts in good faith in accordance with the
24 provisions of this subchapter shall not be subject to criminal
25 or civil liability arising from any action taken under this
26 subchapter. The immunity provided by this section shall not
27 extend to persons if damages result from the gross negligence,
28 recklessness or intentional misconduct of the person.]

29 Section 9. This act shall take effect as follows:

30 (1) The ~~amendment~~ ADDITION of 20 Pa.C.S. § ~~8621~~ 8629.1 <--

1 shall take effect immediately.

2 (2) This section shall take effect immediately.

3 (3) The remainder of this act shall take effect ~~in 60~~ <--

4 ~~days~~. UPON PUBLICATION OF THE NOTICE UNDER 20 PA.C.S. § <--

5 8629.1.