

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 41 Session of 2011

INTRODUCED BY GREENLEAF, ERICKSON, YAW, RAFFERTY, KITCHEN,
PIPPY, ALLOWAY, BRUBAKER, WAUGH AND BOSCOLA, JANUARY 12, 2011

REFERRED TO JUDICIARY, JANUARY 12, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in particular rights and
3 immunities, providing for certain immunity for hospitals that
4 donate medicine, medical supplies and equipment in good faith
5 for humanitarian assistance.

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

8 Section 1. Title 42 of the Pennsylvania Consolidated
9 Statutes is amended by adding a section to read:

10 § 8338.2. Liability for damages from donated medicine, medical
11 supplies and equipment for humanitarian assistance.

12 (a) General rule.--A hospital is not subject to civil
13 liability arising from the nature or condition of medicine,
14 medical supplies and equipment which were reasonably believed to
15 be in good condition and donated by the hospital in good faith
16 for humanitarian assistance.

17 (b) Nonapplicability.--This section does not apply to an
18 injury or death to a person that results from an act or omission
19 of a hospital constituting gross negligence, recklessness or

1 intentional misconduct.

2 (c) Construction.--This section shall not be construed as
3 establishing any liability.

4 (d) Definitions.--As used in this section, the following
5 words and phrases shall have the meanings given to them in this
6 subsection:

7 "Donate." To give or distribute without requiring anything
8 of monetary value from the ultimate recipient.

9 "Hospital." An entity licensed as a hospital under the act
10 of June 13, 1967 (P.L.31, No.21), known as the Public Welfare
11 Code, or the act of July 19, 1979 (P.L.130, No.48), known as the
12 Health Care Facilities Act.

13 Section 2. This act shall take effect in 60 days.