

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1956

Session of
1993

INTRODUCED BY M. COHEN, CALTAGIRONE, PETRARCA, COY, VEON, BEBKO-JONES, MIHALICH, BELFANTI, ROBINSON, ULIANA AND TRELLO,
JUNE 28, 1993

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 28, 1993

AN ACT

1 ~~Amending Title 20 (Decedents, Estates and Fiduciaries) of the~~ <—
2 ~~Pennsylvania Consolidated Statutes, providing for anatomical~~
3 ~~gifts; and making a repeal.~~

4 AMENDING TITLE 20 (DECEDENTS, ESTATES AND FIDUCIARIES) OF THE <—
5 PENNSYLVANIA CONSOLIDATED STATUTES, FURTHER PROVIDING FOR THE
6 FORM AND IMPLEMENTATION OF A POWER OF ATTORNEY AND FOR
7 DECLARATIONS GOVERNING LIFE-SUSTAINING TREATMENT; AND
8 PROVIDING FOR ANATOMICAL GIFTS.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 ~~Section 1. Chapter 86 of Title 20 of the Pennsylvania~~ <—
12 ~~Consolidated Statutes is repealed.~~

13 ~~Section 2. Title 20 is amended by adding a chapter to read:~~

14 ~~CHAPTER 86~~

15 ~~ANATOMICAL GIFTS~~

16 ~~Subchapter~~

17 ~~A. General Provisions~~

18 ~~B. Express Anatomical Gifts~~

19 ~~C. Presumed Anatomical Gifts~~

20 ~~SUBCHAPTER A~~

GENERAL PROVISIONS

~~Sec.~~

~~8601. Definitions.~~

~~§ 8601. Definitions.~~

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

~~"Bank or storage facility." A facility licensed, accredited or approved under the laws of any state for storage of human bodies or parts thereof.~~

~~"Board." The Humanity Gifts Registry.~~

~~"Decedent." A deceased individual, including a stillborn infant or fetus.~~

~~"Donor." An individual who makes a gift of all or part of his body.~~

~~"Hospital." A hospital licensed, accredited or approved under the laws of any state, including a hospital operated by the Federal Government, a state or a subdivision thereof, although not required to be licensed under state laws.~~

~~"Organ procurement organization." An organization that meets the requirements of section 371 of the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 273).~~

~~"Part." Organs, tissues, eyes, bones, arteries, blood, other fluids and any other portions of a human body.~~

~~"Person." An individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.~~

~~"Physician" or "surgeon." A physician or surgeon licensed or authorized to practice under the laws of any state.~~

~~"Registry." The Transplant Organ Registry under section 8632~~

1 ~~(relating to refusal to donate).~~

2 ~~"State." Any state, district, commonwealth, territory,~~
3 ~~insular possession and any other area subject to the legislative~~
4 ~~authority of the United States of America.~~

5 SUBCHAPTER B

6 EXPRESS ANATOMICAL GIFTS

7 Sec.

8 ~~8611. Persons who may execute an anatomical gift.~~

9 ~~8612. Persons who may become donees; purposes for which~~
10 ~~anatomical gifts may be made.~~

11 ~~8613. Manner of executing anatomical gifts.~~

12 ~~8614. Delivery of document of gift.~~

13 ~~8615. Amendment or revocation of gift.~~

14 ~~8616. Rights and duties at death.~~

15 ~~8617. Requests for anatomical gifts.~~

16 ~~§ 8611. Persons who may execute an anatomical gift.~~

17 ~~(a) General rule. Any individual of sound mind and 18 years~~
18 ~~of age or more may give all or any part of his body for any~~
19 ~~purpose specified in section 8612 (relating to persons who may~~
20 ~~become donees; purposes for which anatomical gifts may be made),~~
21 ~~the gift to take effect upon death. A gift of the whole body~~
22 ~~shall be invalid unless made in writing at least 15 days prior~~
23 ~~to the date of death. If a gift is not made under this~~
24 ~~subchapter, a gift of organs or tissues, or both, for~~
25 ~~transplantation or therapeutic purposes in accordance with~~
26 ~~Subchapter C (relating to presumed anatomical gifts) shall be~~
27 ~~presumed.~~

28 ~~(b) Others entitled to donate anatomy of decedent. Any of~~
29 ~~the following persons, in order of priority stated, when persons~~
30 ~~in prior classes are not available at the time of death, and in~~

~~the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purpose specified in section 8612:~~

~~(1) The spouse.~~

~~(2) An adult son or daughter.~~

~~(3) Either parent.~~

~~(4) An adult brother or sister.~~

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

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

~~(c) Donee not to accept in certain cases. If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift. The persons authorized by subsection (b) may make the gift after or immediately before death.~~

~~(d) Examinations. A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.~~

~~(e) Rights of donee paramount. The rights of the donee created by the gift are paramount to the rights of others except as provided by section 8616(d) (relating to rights and duties at death).~~

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

~~The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:~~

~~(1) any hospital, surgeon or physician for medical or~~

~~dental education, research, advancement of medical or dental science, therapy or transplantation;~~

~~(2) any accredited medical or dental school, college or university for education, research, advancement of medical or dental science or therapy;~~

~~(3) any bank or storage facility for medical or dental education, research, advancement of medical or dental science, therapy or transplantation;~~

~~(4) any specified individual for therapy or transplantation needed by him;~~

~~(5) the board.~~

~~§ 8613. Manner of executing anatomical gifts.~~

~~(a) Gifts by will. A gift of all or part of the body under section 8611(a) (relating to persons who may execute an anatomical gift) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.~~

~~(b) Gifts by other documents. A gift of all or part of the body under section 8611(a) may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of two witnesses who must sign the document in his presence. If the donor is mentally competent to signify his desire to sign the document but is physically unable to do so, the document may be signed for him by another at his direction and in his presence in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the~~

~~donor's lifetime is not necessary to make the gift valid.~~

~~(c) Specified and unspecified donees. The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate in the procedures for removing or transplanting a part.~~

~~(d) Designation of person to carry out procedures. Notwithstanding section 8616(b) (relating to rights and duties at death) the donor may designate in his will, card or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose, or, in the case of a gift of eyes, he may employ or authorize a person who is a funeral director licensed by the State Board of Funeral Directors, an eye bank technician or medical student, if the person has successfully completed a course in eye enucleation approved by the State Board of Medical Education and Licensure, or an eye bank technician or medical student trained under a program in the sterile technique for eye enucleation approved by the State Board of Medical Education and Licensure to enucleate eyes for an eye bank for the gift after certification of death by a physician. A qualified funeral director, eye bank technician or medical student acting in accordance with the terms of this~~

~~subsection shall not have any liability, civil or criminal, for the eye enucleation.~~

~~(e) Consent not necessary. Where a donor card evidencing a gift of the donor's eyes has been validly executed, consent of any person designated in section 8611(b) at the time of the donor's death or immediately thereafter is not necessary to render the gift valid and effective.~~

~~(f) Documentation of gifts by others. Any gift by a person designated in section 8611(b) shall be made by a document signed by him or made by his telegraphic, recorded telephonic or other recorded message.~~

~~§ 8614. Delivery of document of gift.~~

~~If the gift is made by the donor to a specified donee, the will, card or other document, or an executed copy thereof, may be delivered to the donee to expedite the appropriate procedures immediately after death. Delivery is not necessary to the validity of the gift. The will, card or other document, or an executed copy thereof, may be deposited in any hospital, bank or storage facility that accepts it for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination. Absent such a document, a gift shall be presumed under Subchapter C (relating to presumed anatomical gifts).~~

~~§ 8615. Amendment or revocation of gift.~~

~~(a) Document delivered to donee. If the will, card or other document, or executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by:~~

~~(1) the execution and delivery to the donee of a signed statement;~~

~~(2) an oral statement made in the presence of two persons and communicated to the donee;~~

~~(3) a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee; or~~

~~(4) a signed card or document found on his person or in his effects.~~

~~(b) Document not delivered to donee. Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a) or by destruction, cancellation or mutilation of the document and all executed copies thereof.~~

~~(c) Gifts by will. Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (a).~~

~~§ 8616. Rights and duties at death.~~

~~(a) Donees and relatives. The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he shall, subject to the terms of the gift, authorize embalming and the use of the body in funeral services if the surviving spouse or next of kin as determined in section 8611(b) (relating to persons who may execute an anatomical gift) requests embalming and use of the body for funeral services. If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin or other persons under obligation to dispose of the body.~~

~~(b) Physicians. The time of death shall be determined by a physician who tends the donor at his death or, if none, the~~

~~physician who certifies the death. The physician who certifies death or any of his professional partners or associates shall not participate in the procedures for removing or transplanting a part.~~

~~(c) Certain liability limited. A person who acts in good faith in accordance with the terms of this subchapter or with the anatomical gift laws of another state or a foreign country is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.~~

~~(d) Law on autopsies applicable. The provisions of this subchapter are subject to the laws of this State prescribing powers and duties with respect to autopsies.~~

~~§ 8617. Requests for anatomical gifts.~~

~~(a) Procedure. On or before the occurrence of death in an acute care general hospital, the hospital shall request consent to a gift of all or any part of the decedent's body for any purpose specified under this subchapter. The request and its disposition shall be noted in the patient's medical record. Whenever medical criteria developed by organ procurement organizations establishes that a body or body part donation would not be suitable for use, a request need not be made.~~

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

~~(c) Donor card. Notwithstanding any provision of law to the contrary, the intent of a decedent to participate in an organ donor program as evidenced by the possession of a validly~~

~~executed donor card shall not be revoked by any member of any of the classes specified in section 8611(b).~~

~~(d) Identification of potential donors. Each acute care general hospital shall develop, with the concurrence of the hospital medical staff and an organ procurement organization, a protocol for identifying potential organ and tissue donors. It shall require that, at or near the time of notification of death, persons designated under section 8611(a) and (b) be asked whether the deceased was an organ donor or if the family is a donor family. If not, such persons shall be informed of the option to donate organs and tissues. Pursuant to this subchapter, the hospital shall then notify an organ and tissue procurement organization and cooperate in the procurement of the anatomical gift or gifts. The protocol shall encourage discretion and sensitivity to family circumstances in all discussions regarding donations of tissue or organs. The protocol shall take into account the deceased individual's religious beliefs or nonsuitability for organ and tissue donation. In the event an organ and tissue procurement organization does not exist in a region, the hospital shall contact an organ or a tissue procurement organization in an alternative region.~~

~~(e) Guidelines. The Department of Health in conjunction with organ procurement organizations shall establish guidelines regarding efficient procedures facilitating the delivery of anatomical gift donations from receiving hospitals to potential recipients and appropriate training concerning the manner and conduct of employees making requests for anatomical gift donations.~~

~~SUBCHAPTER C~~

~~PRESUMED ANATOMICAL GIFTS~~

~~Sec.~~

~~8631. Presumption of anatomical gift.~~

~~8632. Refusal to donate.~~

~~8633. Donees.~~

~~8634. Physician obligations.~~

~~8635. Confidentiality requirement.~~

~~8636. Limitation of liability.~~

~~8637. Applicability.~~

~~§ 8631. Presumption of anatomical gift.~~

~~Organs and tissues may be removed, upon death, from the body of any Commonwealth resident by a physician, surgeon or technician for transplantation or for the preparation of therapeutic substances, unless it is established that a refusal was expressed in accordance with this subchapter.~~

~~§ 8632. Refusal to donate.~~

~~(a) General rule. An individual may refuse to donate organs or tissues for any reason, including, but not limited to, religious purposes.~~

~~(b) Form of refusal.~~

~~(1) The refusal may be expressed in a document, which may be a card designed to be carried on the person, including a card issued by the Department of Health under subsection (c). If the individual is mentally competent to signify his desire to sign the document but is physically unable to do so, the document may be signed for him by another at his direction.~~

~~(2) Any of the following persons, in the order of priority stated, when persons in prior classes are not available at the time of death, may refuse to donate the~~

~~decedent's organs or tissues.~~

~~(i) The spouse.~~

~~(ii) An adult son or daughter.~~

~~(iii) Either parent.~~

~~(iv) An adult brother or sister.~~

~~(v) A guardian of the decedent at the time of death.~~

~~(vi) Any person authorized or under obligation to
dispose of the body.~~

~~Persons under this paragraph shall be notified of their
rights of refusal by the person who will carry out the
removal procedures. All reasonable efforts shall be made to
carry out this notification.~~

~~(c) Capacity. Any individual who is 18 years of age or
older and capable of making known his wishes may express a
refusal under this section. A minor who is capable of making
known his wishes may also express a refusal under this section,
or, during his lifetime, his parent or guardian may express the
refusal. A refusal by a parent or guardian of a minor shall
override any contrary indication by the minor. If a minor is
incapable of making known his wishes, a refusal may be expressed
by the minor's parent or guardian.~~

~~(d) Mental incompetence. If an individual is incapable of
making known his wishes by reason of a mental condition, a
refusal under this section may be expressed by the individual's
guardian or, in the absence of a guardian, next of kin.~~

~~(e) Nondonor cards and stickers. An individual may attach
to the reverse side of his driver's license or identification
card issued by the Department of Transportation a card or
sticker supplied by the Department of Health or an organ
procurement organization which indicates the individual's~~

~~refusal to make a gift of organs or tissues for transplantation or therapeutic purposes. In the first year following the effective date of this subsection, the Department of Revenue shall insure that individuals in this Commonwealth receive this card and sticker along with their personal income tax return forms. The Department of Transportation shall distribute these cards and stickers at all photo license centers and make the cards and stickers available to any political subdivision or organization upon request.~~

~~(f) Tax return form designation. The Department of Revenue shall provide a space on the face of the individual tax return form whereby an individual may designate nondonor status. The Department of Revenue shall coordinate with the registry to ensure the registration of individual's nondonor status.~~

~~(g) Transplant Organ Registry. The card or other document indicative of an individual's nondonor status, or an executed copy thereof, may be deposited in the Transplant Organ Registry which shall be established and maintained by the Department of Health. Upon registration of an individual's nondonor status, the registry shall send confirmation of that status to the individual. The registry shall be equipped at all times, that is, 24 hours a day, each day of the year, to furnish and shall furnish to any qualified hospital, physician or organ procurement organization, upon request, information relating to an individual's nondonor status. The Department of Health shall promulgate regulations necessary to implement the registry. The Department of Health shall establish a single Statewide toll-free telephone number to handle requests for registry information.~~

~~(h) Definition. As used in this section, the term "minor"~~

1 ~~means an individual under 18 years of age.~~

2 ~~§ 8633. Donees.~~

3 ~~Organs and tissues removed in accordance with this subchapter~~
4 ~~shall be made available to donees who are located in this~~
5 ~~Commonwealth whenever possible. If no suitable Commonwealth~~
6 ~~donee is available, the organs and tissues shall be distributed~~
7 ~~using Organ Procurement and Transplantation Network (OPTN)~~
8 ~~guidelines. A donee under Subchapter A (relating to express~~
9 ~~anatomical gifts) is an eligible donee under this subchapter if~~
10 ~~the donee is able to accept the organ or tissue removed for~~
11 ~~transplantation or therapeutic purposes.~~

12 ~~§ 8634. Physician obligations.~~

13 ~~(a) Conditions for removal. A physician may not proceed to~~
14 ~~carry out a removal under this subchapter:~~

15 ~~(1) If a refusal has been expressed under section 8632~~
16 ~~(relating to refusal to donate).~~

17 ~~(2) If a refusal has been expressed in any other manner~~
18 ~~by the potential donor or other authorized person and has~~
19 ~~been communicated to the physician.~~

20 ~~(3) Unless the death of the donor has been established~~
21 ~~by a physician. The physician may not be the attending~~
22 ~~physician of the recipient or those who will carry out the~~
23 ~~removal or transplantation.~~

24 ~~(b) Respect for remains. The removal of organs and tissues~~
25 ~~and the suturing of the body shall be carried out in such a way~~
26 ~~as to respect the remains of the decedent and not alter the~~
27 ~~appearance of the decedent.~~

28 ~~(c) Autopsies and investigations. In case of violent death,~~
29 ~~the physician carrying out the removal of organs or tissues~~
30 ~~shall not interfere with the course of an autopsy or~~

~~investigation. In case of death from unknown causes or under suspicious circumstances which falls under the jurisdiction of a medical examiner or coroner, removal of organs or tissues shall precede an autopsy as long as the removal does not interfere with an investigation. In medical examiner and coroner cases, an operative report shall be made available by the physician, surgeon or technician removing the organs or tissues.~~

~~§ 8635. Confidentiality requirement.~~

~~The identity of the donor and of the recipient may not be communicated unless expressly authorized by the recipient and next of kin of the decedent.~~

~~§ 8636. Limitation of liability.~~

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

~~§ 8637. Applicability.~~

~~This subchapter shall not apply to the transfer of embryos, the removal and transplantation of testicles and ovaries and the use of ova and sperm.~~

~~Section 3. The Department of Public Welfare shall, within one year of the effective date of this act, establish and disseminate guidelines for mental health and mental retardation facilities to use in counseling clients and their guardians as to the method for effectuating a right of refusal under 20 Pa.C.S. Ch. 86 Subch. C.~~

~~Section 4. The Department of Education, in cooperation with the Department of Health and organ procurement organizations,~~

~~shall establish a program that can be used for secondary
education purposes, which shall include:~~

~~(1) Information about State law relating to anatomical
gifts, including how to effectuate a right of refusal.~~

~~(2) General information about organ transplantation in
the United States.~~

~~Section 5. This act shall take effect July 1, 1994, or
immediately, whichever is later.~~

SECTION 1. SECTION 5404(B) OF TITLE 20 OF THE PENNSYLVANIA
CONSOLIDATED STATUTES IS AMENDED TO READ:

§ 5404. DECLARATION.

* * *

(B) FORM.--A DECLARATION MAY BUT NEED NOT BE IN THE
FOLLOWING FORM AND MAY INCLUDE OTHER SPECIFIC DIRECTIONS,
INCLUDING, BUT NOT LIMITED TO, DESIGNATION OF ANOTHER PERSON TO
MAKE THE TREATMENT DECISION FOR THE DECLARANT IF THE DECLARANT
IS INCOMPETENT AND IS DETERMINED TO BE IN A TERMINAL CONDITION
OR TO BE PERMANENTLY UNCONSCIOUS.

DECLARATION

I, _____, BEING OF SOUND MIND, WILLFULLY AND
VOLUNTARILY MAKE THIS DECLARATION TO BE FOLLOWED IF I BECOME
INCOMPETENT. THIS DECLARATION REFLECTS MY FIRM AND SETTLED
COMMITMENT TO REFUSE LIFE-SUSTAINING TREATMENT UNDER THE
CIRCUMSTANCES INDICATED BELOW.

I DIRECT MY ATTENDING PHYSICIAN TO WITHHOLD OR WITHDRAW
LIFE-SUSTAINING TREATMENT THAT SERVES ONLY TO PROLONG THE
PROCESS OF MY DYING, IF I SHOULD BE IN A TERMINAL CONDITION
OR IN A STATE OF PERMANENT UNCONSCIOUSNESS.

I DIRECT THAT TREATMENT BE LIMITED TO MEASURES TO KEEP ME
COMFORTABLE AND TO RELIEVE PAIN, INCLUDING ANY PAIN THAT

1 MIGHT OCCUR BY WITHHOLDING OR WITHDRAWING LIFE-SUSTAINING
2 TREATMENT.

3 IN ADDITION, IF I AM IN THE CONDITION DESCRIBED ABOVE, I
4 FEEL ESPECIALLY STRONG ABOUT THE FOLLOWING FORMS OF
5 TREATMENT:

6 I () DO () DO NOT WANT CARDIAC RESUSCITATION.

7 I () DO () DO NOT WANT MECHANICAL RESPIRATION.

8 I () DO () DO NOT WANT TUBE FEEDING OR ANY OTHER
9 ARTIFICIAL OR INVASIVE FORM OF NUTRITION (FOOD) OR HYDRATION
10 (WATER).

11 I () DO () DO NOT WANT BLOOD OR BLOOD PRODUCTS.

12 I () DO () DO NOT WANT ANY FORM OF SURGERY OR INVASIVE
13 DIAGNOSTIC TESTS.

14 I () DO () DO NOT WANT KIDNEY DIALYSIS.

15 I () DO () DO NOT WANT ANTIBIOTICS.

16 I REALIZE THAT IF I DO NOT SPECIFICALLY INDICATE MY
17 PREFERENCE REGARDING ANY OF THE FORMS OF TREATMENT LISTED
18 ABOVE, I MAY RECEIVE THAT FORM OF TREATMENT.

19 OTHER INSTRUCTIONS:

20 I () DO () DO NOT WANT TO DESIGNATE ANOTHER PERSON AS
21 MY SURROGATE TO MAKE MEDICAL TREATMENT DECISIONS FOR ME IF I
22 SHOULD BE INCOMPETENT AND IN A TERMINAL CONDITION OR IN A
23 STATE OF PERMANENT UNCONSCIOUSNESS. NAME AND ADDRESS OF
24 SURROGATE (IF APPLICABLE):

25 NAME AND ADDRESS OF SUBSTITUTE SURROGATE (IF SURROGATE
26 DESIGNATED ABOVE IS UNABLE TO SERVE):

27 I () DO () DO NOT WANT TO MAKE AN ANATOMICAL GIFT OF
28 ALL OR PART OF MY BODY, SUBJECT TO THE FOLLOWING LIMITATIONS,
29 IF ANY:

30 I MADE THIS DECLARATION ON THE DAY OF (MONTH,

1 YEAR).

2 DECLARANT'S SIGNATURE:

3 DECLARANT'S ADDRESS:

4 THE DECLARANT OR THE PERSON ON BEHALF OF AND AT THE
5 DIRECTION OF THE DECLARANT KNOWINGLY AND VOLUNTARILY SIGNED
6 THIS WRITING BY SIGNATURE OR MARK IN MY PRESENCE.

7 WITNESS'S SIGNATURE:

8 WITNESS'S ADDRESS:

9 WITNESS'S SIGNATURE:

10 WITNESS'S ADDRESS:

11 * * *

12 SECTION 2. SECTION 5602(A) OF TITLE 20 IS AMENDED BY ADDING
13 A PARAGRAPH TO READ:

14 § 5602. FORM OF POWER OF ATTORNEY.

15 (A) SPECIFICATION OF POWERS.--A PRINCIPAL MAY, BY INCLUSION
16 OF THE LANGUAGE QUOTED IN ANY OF THE FOLLOWING PARAGRAPHS OR BY
17 INCLUSION OF OTHER LANGUAGE SHOWING A SIMILAR INTENT ON THE PART
18 OF THE PRINCIPAL, EMPOWER HIS ATTORNEY-IN-FACT TO DO ANY OR ALL
19 OF THE FOLLOWING, EACH OF WHICH IS DEFINED IN SECTION 5603
20 (RELATING TO IMPLEMENTATION OF POWER OF ATTORNEY):

21 * * *

22 (23) "TO MAKE AN ANATOMICAL GIFT OF ALL OR PART OF MY
23 BODY."

24 * * *

25 SECTION 3. SECTION 5603 OF TITLE 20 IS AMENDED BY ADDING A
26 SUBSECTION TO READ:

27 § 5603. IMPLEMENTATION OF POWER OF ATTORNEY.

28 * * *

29 (U.1) POWER TO MAKE ANATOMICAL GIFT.--A POWER "TO MAKE AN
30 ANATOMICAL GIFT OF ALL OR PART OF MY BODY" SHALL MEAN THAT THE

1 ATTORNEY-IN-FACT MAY ARRANGE AND CONSENT TO PROCEDURES TO MAKE
2 AN ANATOMICAL GIFT IN ACCORDANCE WITH CHAPTER 86 (RELATING TO
3 ANATOMICAL GIFTS).

4 * * *

5 SECTION 4. CHAPTER 86 OF TITLE 20 IS REPEALED.

6 SECTION 5. TITLE 20 IS AMENDED BY ADDING A CHAPTER TO READ:

7 CHAPTER 86

8 ANATOMICAL GIFTS

9 SUBCHAPTER

10 A. GENERAL PROVISIONS

11 B. EXPRESS ANATOMICAL GIFTS

12 C. CORNEAL TRANSPLANTS

13 SUBCHAPTER A

14 GENERAL PROVISIONS

15 SEC.

16 8601. DEFINITIONS.

17 § 8601. DEFINITIONS.

18 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
19 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
20 CONTEXT CLEARLY INDICATES OTHERWISE:

21 "ACUTE CARE GENERAL HOSPITAL." ANY HOSPITAL WHICH HAS AN
22 EMERGENCY ROOM FACILITY.

23 "ADVISORY COMMITTEE." THE ORGAN DONATION ADVISORY COMMITTEE
24 ESTABLISHED UNDER SECTION 8624 (RELATING TO ORGAN DONATION
25 AWARENESS TRUST FUND).

26 "BANK OR STORAGE FACILITY." A FACILITY LICENSED, ACCREDITED
27 OR APPROVED UNDER THE LAWS OF ANY STATE FOR STORAGE OF HUMAN
28 BODIES OR PARTS THEREOF.

29 "BOARD." THE HUMANITY GIFTS REGISTRY.

30 "DECEDENT." A DECEASED INDIVIDUAL, INCLUDING A STILLBORN

1 INFANT OR FETUS.

2 "DONOR." AN INDIVIDUAL WHO MAKES A GIFT OF ALL OR PART OF
3 HIS BODY.

4 "FUND." THE ORGAN DONATION AWARENESS TRUST FUND ESTABLISHED
5 UNDER SECTION 8624 (RELATING TO ORGAN DONATION AWARENESS TRUST
6 FUND).

7 "HOSPITAL." A HOSPITAL LICENSED, ACCREDITED OR APPROVED
8 UNDER THE LAWS OF ANY STATE, INCLUDING A HOSPITAL OPERATED BY
9 THE FEDERAL GOVERNMENT, A STATE OR A SUBDIVISION THEREOF,
10 ALTHOUGH NOT REQUIRED TO BE LICENSED UNDER STATE LAWS.

11 "ORGAN PROCUREMENT ORGANIZATION." AN ORGANIZATION THAT MEETS
12 THE REQUIREMENTS OF SECTION 371 OF THE PUBLIC HEALTH SERVICE ACT
13 (58 STAT. 682, 42 U.S.C. § 273).

14 "PART." ORGANS, TISSUES, EYES, BONES, ARTERIES, BLOOD, OTHER
15 FLUIDS AND ANY OTHER PORTIONS OF A HUMAN BODY.

16 "PERSON." AN INDIVIDUAL, CORPORATION, GOVERNMENT OR
17 GOVERNMENTAL SUBDIVISION OR AGENCY, BUSINESS TRUST, ESTATE,
18 TRUST, PARTNERSHIP, ASSOCIATION OR ANY OTHER LEGAL ENTITY.

19 "PHYSICIAN" OR "SURGEON." A PHYSICIAN OR SURGEON LICENSED OR
20 AUTHORIZED TO PRACTICE UNDER THE LAWS OF ANY STATE.

21 "REGISTRY." THE TRANSPLANT ORGAN REGISTRY KNOWN AS THE
22 REGISTRY FOR LIFE ESTABLISHED UNDER SECTION 8618 (RELATING TO
23 TRANSPLANT ORGAN REGISTRY).

24 "STATE." ANY STATE, DISTRICT, COMMONWEALTH, TERRITORY,
25 INSULAR POSSESSION AND ANY OTHER AREA SUBJECT TO THE LEGISLATIVE
26 AUTHORITY OF THE UNITED STATES OF AMERICA.

27 SUBCHAPTER B

28 EXPRESS ANATOMICAL GIFTS

29 SEC.

30 8611. PERSONS WHO MAY EXECUTE ANATOMICAL GIFT.

1 8612. PERSONS WHO MAY BECOME DONEES; PURPOSES FOR WHICH
2 ANATOMICAL GIFTS MAY BE MADE.
3 8613. MANNER OF EXECUTING ANATOMICAL GIFTS.
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17 § 8611. PERSONS WHO MAY EXECUTE ANATOMICAL GIFT.

18 (A) GENERAL RULE.--ANY INDIVIDUAL OF SOUND MIND AND 18 YEARS
19 OF AGE OR MORE MAY GIVE ALL OR ANY PART OF HIS BODY FOR ANY
20 PURPOSE SPECIFIED IN SECTION 8612 (RELATING TO PERSONS WHO MAY
21 BECOME DONEES; PURPOSES FOR WHICH ANATOMICAL GIFTS MAY BE MADE),
22 THE GIFT TO TAKE EFFECT UPON DEATH. ANY INDIVIDUAL WHO IS A
23 MINOR AND 16 YEARS OR AGE OR OLDER MAY EFFECTUATE A GIFT FOR ANY
24 PURPOSE SPECIFIED IN SECTION 8612, PROVIDED PARENTAL OR GUARDIAN
25 CONSENT IS DEEMED GIVEN. PARENTAL OR GUARDIAN CONSENT SHALL BE
26 NOTED ON THE MINOR'S DONOR CARD, DONOR DRIVER'S LICENSE OR OTHER
27 DOCUMENT OF GIFT. A GIFT OF THE WHOLE BODY SHALL BE INVALID
28 UNLESS MADE IN WRITING AT LEAST 15 DAYS PRIOR TO THE DATE OF
29 DEATH.

30 (B) OTHERS ENTITLED TO DONATE ANATOMY OF DECEDENT.--ANY OF

1 THE FOLLOWING PERSONS, IN ORDER OF PRIORITY STATED, WHEN PERSONS
2 IN PRIOR CLASSES ARE NOT AVAILABLE AT THE TIME OF DEATH, AND IN
3 THE ABSENCE OF ACTUAL NOTICE OF CONTRARY INDICATIONS BY THE
4 DECEDENT OR ACTUAL NOTICE OF OPPOSITION BY A MEMBER OF THE SAME
5 OR A PRIOR CLASS, MAY GIVE ALL OR ANY PART OF THE DECEDENT'S
6 BODY FOR ANY PURPOSE SPECIFIED IN SECTION 8612:

7 (1) THE SPOUSE.

8 (2) AN ADULT SON OR DAUGHTER.

9 (3) EITHER PARENT.

10 (4) AN ADULT BROTHER OR SISTER.

11 (5) A GUARDIAN OF THE PERSON OF THE DECEDENT AT THE TIME
12 OF HIS DEATH.

13 (6) ANY OTHER PERSON AUTHORIZED OR UNDER OBLIGATION TO
14 DISPOSE OF THE BODY.

15 (C) DONEE NOT TO ACCEPT IN CERTAIN CASES.--IF THE DONEE HAS
16 ACTUAL NOTICE OF CONTRARY INDICATIONS BY THE DECEDENT OR THAT A
17 GIFT BY A MEMBER OF A CLASS IS OPPOSED BY A MEMBER OF THE SAME
18 OR A PRIOR CLASS, THE DONEE SHALL NOT ACCEPT THE GIFT. THE
19 PERSONS AUTHORIZED BY SUBSECTION (B) MAY MAKE THE GIFT AFTER OR
20 IMMEDIATELY BEFORE DEATH.

21 (D) EXAMINATIONS.--A GIFT OF ALL OR PART OF A BODY
22 AUTHORIZES ANY EXAMINATION NECESSARY TO ASSURE MEDICAL
23 ACCEPTABILITY OF THE GIFT FOR THE PURPOSES INTENDED.

24 (E) RIGHTS OF DONEE PARAMOUNT.--THE RIGHTS OF THE DONEE
25 CREATED BY THE GIFT ARE PARAMOUNT TO THE RIGHTS OF OTHERS EXCEPT
26 AS PROVIDED BY SECTION 8616(D) (RELATING TO RIGHTS AND DUTIES AT
27 DEATH).

28 § 8612. PERSONS WHO MAY BECOME DONEES; PURPOSES FOR WHICH
29 ANATOMICAL GIFTS MAY BE MADE.

30 THE FOLLOWING PERSONS MAY BECOME DONEES OF GIFTS OF BODIES OR

PARTS THEREOF FOR ANY OF THE PURPOSES STATED:

(1) ANY HOSPITAL, SURGEON OR PHYSICIAN FOR MEDICAL OR DENTAL EDUCATION, RESEARCH, ADVANCEMENT OF MEDICAL OR DENTAL SCIENCE, THERAPY OR TRANSPLANTATION.

(2) ANY ACCREDITED MEDICAL OR DENTAL SCHOOL, COLLEGE OR UNIVERSITY FOR EDUCATION, RESEARCH, ADVANCEMENT OF MEDICAL OR DENTAL SCIENCE OR THERAPY.

(3) ANY BANK OR STORAGE FACILITY FOR MEDICAL OR DENTAL EDUCATION, RESEARCH, ADVANCEMENT OF MEDICAL OR DENTAL SCIENCE, THERAPY OR TRANSPLANTATION.

(4) ANY SPECIFIED INDIVIDUAL FOR THERAPY OR TRANSPLANTATION NEEDED BY HIM.

(5) THE BOARD.

§ 8613. MANNER OF EXECUTING ANATOMICAL GIFTS.

(A) GIFTS BY WILL.--A GIFT OF ALL OR PART OF THE BODY UNDER SECTION 8611(A) (RELATING TO PERSONS WHO MAY EXECUTE ANATOMICAL GIFT) MAY BE MADE BY WILL. THE GIFT BECOMES EFFECTIVE UPON THE DEATH OF THE TESTATOR WITHOUT WAITING FOR PROBATE. IF THE WILL IS NOT PROBATED OR IF IT IS DECLARED INVALID FOR TESTAMENTARY PURPOSES, THE GIFT, TO THE EXTENT THAT IT HAS BEEN ACTED UPON IN GOOD FAITH, IS NEVERTHELESS VALID AND EFFECTIVE.

(B) GIFTS BY OTHER DOCUMENTS.--A GIFT OF ALL OR PART OF THE BODY UNDER SECTION 8611(A) MAY ALSO BE MADE BY DOCUMENT OTHER THAN A WILL. THE GIFT BECOMES EFFECTIVE UPON THE DEATH OF THE DONOR. THE DOCUMENT, WHICH MAY BE A CARD DESIGNED TO BE CARRIED ON THE PERSON, MUST BE SIGNED BY THE DONOR IN THE PRESENCE OF TWO WITNESSES WHO MUST SIGN THE DOCUMENT IN HIS PRESENCE. IF THE DONOR IS MENTALLY COMPETENT TO SIGNIFY HIS DESIRE TO SIGN THE DOCUMENT BUT IS PHYSICALLY UNABLE TO DO SO, THE DOCUMENT MAY BE SIGNED FOR HIM BY ANOTHER AT HIS DIRECTION AND IN HIS PRESENCE

1 IN THE PRESENCE OF TWO WITNESSES WHO MUST SIGN THE DOCUMENT IN
2 HIS PRESENCE. DELIVERY OF THE DOCUMENT OF GIFT DURING THE
3 DONOR'S LIFETIME IS NOT NECESSARY TO MAKE THE GIFT VALID.

4 (C) SPECIFIED AND UNSPECIFIED DONEES.--THE GIFT MAY BE MADE
5 TO A SPECIFIED DONEE OR WITHOUT SPECIFYING A DONEE. IF THE
6 LATTER, THE GIFT MAY BE ACCEPTED BY THE ATTENDING PHYSICIAN AS
7 DONEE UPON OR FOLLOWING DEATH. IF THE GIFT IS MADE TO A
8 SPECIFIED DONEE WHO IS NOT AVAILABLE AT THE TIME AND PLACE OF
9 DEATH, THE ATTENDING PHYSICIAN UPON OR FOLLOWING DEATH, IN THE
10 ABSENCE OF ANY EXPRESSED INDICATION THAT THE DONOR DESIRED
11 OTHERWISE, MAY ACCEPT THE GIFT AS DONEE. THE PHYSICIAN WHO
12 BECOMES A DONEE UNDER THIS SUBSECTION SHALL NOT PARTICIPATE IN
13 THE PROCEDURES FOR REMOVING OR TRANSPLANTING A PART.

14 (D) DESIGNATION OF PERSON TO CARRY OUT PROCEDURES.--
15 NOTWITHSTANDING SECTION 8616(B) (RELATING TO RIGHTS AND DUTIES
16 AT DEATH), THE DONOR MAY DESIGNATE IN HIS WILL, CARD OR OTHER
17 DOCUMENT OF GIFT THE SURGEON OR PHYSICIAN TO CARRY OUT THE
18 APPROPRIATE PROCEDURES. IN THE ABSENCE OF A DESIGNATION OR IF
19 THE DESIGNEE IS NOT AVAILABLE, THE DONEE OR OTHER PERSON
20 AUTHORIZED TO ACCEPT THE GIFT MAY EMPLOY OR AUTHORIZE ANY
21 SURGEON OR PHYSICIAN FOR THE PURPOSE, OR, IN THE CASE OF A GIFT
22 OF EYES, HE MAY EMPLOY OR AUTHORIZE A PERSON WHO IS A FUNERAL
23 DIRECTOR LICENSED BY THE STATE BOARD OF FUNERAL DIRECTORS, AN
24 EYE BANK TECHNICIAN OR MEDICAL STUDENT, IF THE PERSON HAS
25 SUCCESSFULLY COMPLETED A COURSE IN EYE ENUCLEATION APPROVED BY
26 THE STATE BOARD OF MEDICAL EDUCATION AND LICENSURE, OR AN EYE
27 BANK TECHNICIAN OR MEDICAL STUDENT TRAINED UNDER A PROGRAM IN
28 THE STERILE TECHNIQUE FOR EYE ENUCLEATION APPROVED BY THE STATE
29 BOARD OF MEDICAL EDUCATION AND LICENSURE TO ENUCLEATE EYES FOR
30 AN EYE BANK FOR THE GIFT AFTER CERTIFICATION OF DEATH BY A

1 PHYSICIAN. A QUALIFIED FUNERAL DIRECTOR, EYE BANK TECHNICIAN OR
2 MEDICAL STUDENT ACTING IN ACCORDANCE WITH THE TERMS OF THIS
3 SUBSECTION SHALL NOT HAVE ANY LIABILITY, CIVIL OR CRIMINAL, FOR
4 THE EYE ENUCLEATION.

5 (E) CONSENT NOT NECESSARY.--IF A DONOR CARD, DONOR DRIVER'S
6 LICENSE, LIVING WILL, DURABLE POWER OF ATTORNEY OR OTHER
7 DOCUMENT OF GIFT EVIDENCING A GIFT OF ORGANS OR TISSUE HAS BEEN
8 EXECUTED, CONSENT OF ANY PERSON DESIGNATED IN SECTION 8611(B) AT
9 THE TIME OF THE DONOR'S DEATH OR IMMEDIATELY THEREAFTER IS NOT
10 NECESSARY TO RENDER THE GIFT VALID AND EFFECTIVE.

11 (F) DOCUMENTATION OF GIFTS BY OTHERS.--ANY GIFT BY A PERSON
12 DESIGNATED IN SECTION 8611(B) SHALL BE MADE BY A DOCUMENT SIGNED
13 BY HIM OR MADE BY HIS TELEGRAPHIC, RECORDED TELEPHONIC OR OTHER
14 RECORDED MESSAGE.

15 § 8614. DELIVERY OF DOCUMENT OF GIFT.

16 IF THE GIFT IS MADE BY THE DONOR TO A SPECIFIED DONEE, THE
17 WILL, CARD OR OTHER DOCUMENT, OR AN EXECUTED COPY THEREOF, MAY
18 BE DELIVERED TO THE DONEE TO EXPEDITE THE APPROPRIATE PROCEDURES
19 IMMEDIATELY AFTER DEATH. DELIVERY IS NOT NECESSARY TO THE
20 VALIDITY OF THE GIFT. THE WILL, CARD OR OTHER DOCUMENT, OR AN
21 EXECUTED COPY THEREOF, MAY BE DEPOSITED IN ANY HOSPITAL, BANK OR
22 STORAGE FACILITY THAT ACCEPTS IT FOR SAFEKEEPING OR FOR
23 FACILITATION OF PROCEDURES AFTER DEATH. ON REQUEST OF ANY
24 INTERESTED PARTY UPON OR AFTER THE DONOR'S DEATH, THE PERSON IN
25 POSSESSION SHALL PRODUCE THE DOCUMENT FOR EXAMINATION.

26 § 8615. AMENDMENT OR REVOCATION OF GIFT.

27 (A) DOCUMENT DELIVERED TO DONEE.--IF THE WILL, CARD OR OTHER
28 DOCUMENT, OR EXECUTED COPY THEREOF, HAS BEEN DELIVERED TO A
29 SPECIFIED DONEE, THE DONOR MAY AMEND OR REVOKE THE GIFT BY ANY
30 OF THE FOLLOWING:

1 (1) THE EXECUTION AND DELIVERY TO THE DONEE OF A SIGNED
2 STATEMENT.

3 (2) AN ORAL STATEMENT MADE IN THE PRESENCE OF TWO
4 PERSONS AND COMMUNICATED TO THE DONEE.

5 (3) A STATEMENT DURING A TERMINAL ILLNESS OR INJURY
6 ADDRESSED TO AN ATTENDING PHYSICIAN AND COMMUNICATED TO THE
7 DONEE.

8 (4) A SIGNED CARD OR DOCUMENT FOUND ON HIS PERSON OR IN
9 HIS EFFECTS.

10 (B) DOCUMENT NOT DELIVERED TO DONEE.--ANY DOCUMENT OF GIFT
11 WHICH HAS NOT BEEN DELIVERED TO THE DONEE MAY BE REVOKED BY THE
12 DONOR IN THE MANNER SET OUT IN SUBSECTION (A) OR BY DESTRUCTION,
13 CANCELLATION OR MUTILATION OF THE DOCUMENT AND ALL EXECUTED
14 COPIES THEREOF.

15 (C) GIFTS BY WILL.--ANY GIFT MADE BY A WILL MAY ALSO BE
16 AMENDED OR REVOKED IN THE MANNER PROVIDED FOR AMENDMENT OR
17 REVOCATION OF WILLS, OR AS PROVIDED IN SUBSECTION (A).

18 § 8616. RIGHTS AND DUTIES AT DEATH.

19 (A) DONEES AND RELATIVES.--THE DONEE MAY ACCEPT OR REJECT
20 THE GIFT. IF THE DONEE ACCEPTS A GIFT OF THE ENTIRE BODY, HE
21 SHALL, SUBJECT TO THE TERMS OF THE GIFT, AUTHORIZE EMBALMING AND
22 THE USE OF THE BODY IN FUNERAL SERVICES IF THE SURVIVING SPOUSE
23 OR NEXT OF KIN AS DETERMINED IN SECTION 8611(B) (RELATING TO
24 PERSONS WHO MAY EXECUTE ANATOMICAL GIFT) REQUESTS EMBALMING AND
25 USE OF THE BODY FOR FUNERAL SERVICES. IF THE GIFT IS OF A PART
26 OF THE BODY, THE DONEE, UPON THE DEATH OF THE DONOR AND PRIOR TO
27 EMBALMING, SHALL CAUSE THE PART TO BE REMOVED WITHOUT
28 UNNECESSARY MUTILATION. AFTER REMOVAL OF THE PART, CUSTODY OF
29 THE REMAINDER OF THE BODY VESTS IN THE SURVIVING SPOUSE, NEXT OF
30 KIN OR OTHER PERSONS UNDER OBLIGATION TO DISPOSE OF THE BODY.

1 (B) PHYSICIANS.--THE TIME OF DEATH SHALL BE DETERMINED BY A
2 PHYSICIAN WHO TENDS THE DONOR AT HIS DEATH OR, IF NONE, THE
3 PHYSICIAN WHO CERTIFIES THE DEATH. THE PHYSICIAN WHO CERTIFIES
4 DEATH OR ANY OF HIS PROFESSIONAL PARTNERS OR ASSOCIATES SHALL
5 NOT PARTICIPATE IN THE PROCEDURES FOR REMOVING OR TRANSPLANTING
6 A PART.

7 (C) CERTAIN LIABILITY LIMITED.--A PERSON WHO ACTS IN GOOD
8 FAITH IN ACCORDANCE WITH THE TERMS OF THIS SUBCHAPTER OR WITH
9 THE ANATOMICAL GIFT LAWS OF ANOTHER STATE OR A FOREIGN COUNTRY
10 IS NOT LIABLE FOR DAMAGES IN ANY CIVIL ACTION OR SUBJECT TO
11 PROSECUTION IN ANY CRIMINAL PROCEEDING FOR HIS ACT.

12 (D) LAW ON AUTOPSIES APPLICABLE.--THE PROVISIONS OF THIS
13 SUBCHAPTER ARE SUBJECT TO THE LAWS OF THIS COMMONWEALTH
14 PRESCRIBING POWERS AND DUTIES WITH RESPECT TO AUTOPSIES.

15 § 8617. REQUESTS FOR ANATOMICAL GIFTS.

16 (A) PROCEDURE.--ON OR BEFORE THE OCCURRENCE OF EACH DEATH IN
17 AN ACUTE CARE GENERAL HOSPITAL, THE HOSPITAL SHALL MAKE CONTACT
18 WITH THE REGIONAL ORGAN PROCUREMENT ORGANIZATION IN ORDER TO
19 DETERMINE THE SUITABILITY FOR ORGAN, TISSUE AND EYE DONATION FOR
20 ANY PURPOSE SPECIFIED UNDER THIS SUBCHAPTER. THIS CONTACT AND
21 THE DISPOSITION SHALL BE NOTED ON THE PATIENT'S MEDICAL RECORD.

22 (B) LIMITATION.--IF THE HOSPITAL ADMINISTRATOR OR HIS
23 DESIGNEE HAS RECEIVED ACTUAL NOTICE OF OPPOSITION FROM ANY OF
24 THE PERSONS NAMED IN SECTION 8611(B) (RELATING TO PERSONS WHO
25 MAY EXECUTE ANATOMICAL GIFT) AND THE DECEDENT WAS NOT IN
26 POSSESSION OF A VALIDLY EXECUTED DONOR CARD, THE GIFT OF ALL OR
27 ANY PART OF THE DECEDENT'S BODY SHALL NOT BE REQUESTED.

28 (C) DONOR CARD.--NOTWITHSTANDING ANY PROVISION OF LAW TO THE
29 CONTRARY, THE INTENT OF A DECEDENT TO PARTICIPATE IN AN ORGAN
30 DONOR PROGRAM AS EVIDENCED BY THE POSSESSION OF A VALIDLY

1 EXECUTED DONOR CARD, DONOR DRIVER'S LICENSE, LIVING WILL,
2 DURABLE POWER OF ATTORNEY OR OTHER DOCUMENT OF GIFT SHALL NOT BE
3 REVOKED BY ANY MEMBER OF ANY OF THE CLASSES SPECIFIED IN SECTION
4 8611(B).

5 (D) IDENTIFICATION OF POTENTIAL DONORS.--EACH ACUTE CARE
6 GENERAL HOSPITAL SHALL DEVELOP, WITH THE CONCURRENCE OF THE
7 HOSPITAL MEDICAL STAFF AND AN ORGAN PROCUREMENT ORGANIZATION, A
8 PROTOCOL FOR IDENTIFYING POTENTIAL ORGAN AND TISSUE DONORS. IT
9 SHALL REQUIRE THAT, AT OR NEAR THE TIME OF EVERY INDIVIDUAL
10 DEATH, ALL ACUTE CARE GENERAL HOSPITALS CONTACT BY TELEPHONE
11 THEIR REGIONAL ORGAN PROCUREMENT ORGANIZATION TO DETERMINE
12 SUITABILITY FOR ORGAN, TISSUE AND EYE DONATION OF THE INDIVIDUAL
13 IN QUESTION. THE PERSON DESIGNATED BY THE ACUTE CARE GENERAL
14 HOSPITAL TO CONTACT THE ORGAN PROCUREMENT ORGANIZATION SHALL
15 HAVE THE FOLLOWING INFORMATION AVAILABLE PRIOR TO MAKING THE
16 CONTACT:

17 (1) THE PATIENT'S NAME.

18 (2) THE PATIENT'S AGE.

19 (3) THE CAUSE OF DEATH.

20 (4) ANY PAST MEDICAL HISTORY AVAILABLE.

21 THE ORGAN PROCUREMENT ORGANIZATION, IN CONSULTATION WITH THE
22 PATIENT'S ATTENDING PHYSICIAN, SHALL DETERMINE THE SUITABILITY
23 FOR DONATION. IF THE ORGAN PROCUREMENT ORGANIZATION IN
24 CONSULTATION WITH THE PATIENT'S ATTENDING PHYSICIAN OR HIS
25 DESIGNEE DETERMINES THAT DONATION IS NOT APPROPRIATE BASED ON
26 ESTABLISHED MEDICAL CRITERIA, THIS SHALL BE NOTED BY HOSPITAL
27 PERSONNEL ON THE PATIENT'S RECORD, AND NO FURTHER ACTION IS
28 NECESSARY. IF THE ORGAN PROCUREMENT ORGANIZATION IN CONSULTATION
29 WITH THE PATIENT'S ATTENDING PHYSICIAN OR HIS DESIGNEE
30 DETERMINES THAT THE PATIENT IS A SUITABLE CANDIDATE FOR

1 ANATOMICAL DONATION, THE ACUTE CARE GENERAL HOSPITAL SHALL
2 INITIATE A REQUEST BY INFORMING THE PERSONS AND FOLLOWING THE
3 PROCEDURE DESIGNATED UNDER SECTION 8611(B) OF THE OPTION TO
4 DONATE ORGANS, TISSUES OR EYES. THE PERSON INITIATING THE
5 REQUEST SHALL BE AN ORGAN PROCUREMENT ORGANIZATION
6 REPRESENTATIVE OR A DESIGNATED REQUESTOR. THE ORGAN PROCUREMENT
7 ORGANIZATION REPRESENTATIVE OR DESIGNATED REQUESTOR SHALL ASK
8 PERSONS PURSUANT TO SECTION 8611(B) WHETHER THE DECEASED WAS AN
9 ORGAN DONOR. IF THE PERSON DESIGNATED UNDER SECTION 8611(B) DOES
10 NOT KNOW, THEN THIS PERSON SHALL BE INFORMED OF THE OPTION TO
11 DONATE ORGANS AND TISSUES. THE PROTOCOL SHALL ENCOURAGE
12 DISCRETION AND SENSITIVITY TO FAMILY CIRCUMSTANCES IN ALL
13 DISCUSSIONS REGARDING DONATIONS OF TISSUE OR ORGANS. THE
14 PROTOCOL SHALL TAKE INTO ACCOUNT THE DECEASED INDIVIDUAL'S
15 RELIGIOUS BELIEFS OR NONSUITABILITY FOR ORGAN AND TISSUE
16 DONATION. IN THE EVENT AN ORGAN AND TISSUE PROCUREMENT
17 ORGANIZATION DOES NOT EXIST IN A REGION, THE HOSPITAL SHALL
18 CONTACT AN ORGAN OR TISSUE PROCUREMENT ORGANIZATION IN AN
19 ALTERNATIVE REGION.

20 (E) GUIDELINES.--THE DEPARTMENT OF HEALTH, IN CONJUNCTION
21 WITH ORGAN PROCUREMENT ORGANIZATIONS, SHALL ESTABLISH GUIDELINES
22 REGARDING EFFICIENT PROCEDURES FACILITATING THE DELIVERY OF
23 ANATOMICAL GIFT DONATIONS FROM RECEIVING HOSPITALS TO POTENTIAL
24 RECIPIENTS.

25 (F) FINES.--EACH ORGAN PROCUREMENT ORGANIZATION SHALL BE
26 GIVEN THE AUTHORITY TO CONDUCT QUARTERLY DEATH RECORD REVIEWS AT
27 ALL ACUTE CARE GENERAL HOSPITALS LOCATED WITHIN ITS REGION TO
28 DETERMINE COMPLIANCE BY THOSE HOSPITALS WITH SUBSECTION (D). ALL
29 REPORTS OF NONCOMPLIANCE SHALL BE FORWARDED TO THE SECRETARY OF
30 HEALTH FOR REVIEW. IF THE SECRETARY OF HEALTH FINDS THAT THERE

1 HAS BEEN NONCOMPLIANCE BY A HOSPITAL, THEN THE SECRETARY OF
2 HEALTH SHALL HAVE THE AUTHORITY TO LEVY A FINE OF NOT MORE THAN
3 \$500. ANY FUNDS GENERATED FROM THESE FINES SHALL BE DEPOSITED
4 INTO THE FUND ESTABLISHED UNDER SECTION 8624 (RELATING TO ORGAN
5 DONATION AWARENESS TRUST FUND).

6 (G) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
7 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
8 SUBSECTION:

9 "DESIGNATED REQUESTOR." A HOSPITAL EMPLOYEE COMPLETING A
10 COURSE OFFERED BY AN ORGAN PROCUREMENT ORGANIZATION ON HOW TO
11 APPROACH POTENTIAL DONOR FAMILIES AND REQUEST ORGAN OR TISSUE
12 DONATION.

13 "NONCOMPLIANCE." ANY FAILURE ON THE PART OF A HOSPITAL TO
14 CONTACT AN ORGAN PROCUREMENT ORGANIZATION AS REQUIRED UNDER
15 SUBSECTION (D).

16 § 8618. TRANSPLANT ORGAN REGISTRY.

17 THE CARD OR OTHER DOCUMENT INDICATIVE OF AN INDIVIDUAL'S
18 DONOR STATUS, OR AN EXECUTED COPY THEREOF, MAY BE DEPOSITED IN
19 THE TRANSPLANT ORGAN REGISTRY TO BE KNOWN AS THE REGISTRY FOR
20 LIFE. THE REGISTRY FOR LIFE SHALL BE ESTABLISHED AND MAINTAINED
21 BY THE DEPARTMENT OF HEALTH. UPON REGISTRATION OF AN
22 INDIVIDUAL'S DONOR STATUS, THE REGISTRY SHALL SEND CONFIRMATION
23 OF THAT STATUS TO THE INDIVIDUAL. IF AN INDIVIDUAL IS REGISTERED
24 UNDER SECTION 8619 (RELATING TO USE OF TAX FORM TO INDICATE
25 ORGAN OR TISSUE DONATION), THEN THE REGISTRY SHALL SEND AN
26 EXECUTABLE DONOR CARD AND CONFIRMATION OF THE INDIVIDUAL'S DONOR
27 STATUS. THE REGISTRY SHALL BE EQUIPPED AT ALL TIMES, THAT IS, 24
28 HOURS A DAY, EACH DAY OF THE YEAR, TO FURNISH AND SHALL FURNISH
29 TO ANY QUALIFIED HOSPITAL, PHYSICIAN OR ORGAN PROCUREMENT
30 ORGANIZATION, UPON REQUEST, INFORMATION RELATING TO AN

1 INDIVIDUAL'S DONOR STATUS. THE DEPARTMENT OF HEALTH SHALL
2 PROMULGATE REGULATIONS NECESSARY TO IMPLEMENT THE REGISTRY. THE
3 DEPARTMENT OF HEALTH SHALL ESTABLISH A SINGLE STATEWIDE TOLL-
4 FREE TELEPHONE NUMBER TO HANDLE REQUESTS FOR REGISTRY
5 INFORMATION.

6 § 8619. USE OF TAX FORM TO INDICATE ORGAN OR TISSUE DONATION.

7 BEGINNING AS SOON AS PRACTICABLE, BUT NO LATER THAN ONE YEAR
8 FOLLOWING THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT OF
9 REVENUE SHALL REDESIGN THE STATE INDIVIDUAL INCOME TAX RETURN
10 FORM TO CONTAIN REQUESTS FOR INFORMATION REGARDING CONSENT OF
11 THE TAXPAYER AND THE TAXPAYER'S SPOUSE TO ORGAN AND TISSUE
12 DONATION. A QUESTION AS TO WHETHER THE TAXPAYER OR THE SPOUSE OF
13 THE TAXPAYER WISHES TO DONATE SOME OR ALL OF THEIR ORGANS AND
14 TISSUE SHALL BE SET OUT ON THE FORM IN THE FOLLOWING MANNER:

15 PLEASE CHECK THE FOLLOWING THAT APPLY:

16 () I (TAXPAYER) WISH TO BE PLACED ON THE STATEWIDE
17 DONOR REGISTRY.

18 () I (SPOUSE) WISH TO BE PLACED ON THE STATEWIDE
19 DONOR REGISTRY.

20 ANY AFFIRMATIVE RESPONSE BY THE TAXPAYER OR THE TAXPAYER'S
21 SPOUSE SHALL BE FORWARDED TO THE DEPARTMENT OF HEALTH FOR ENTRY
22 IN THE REGISTRY. IF THE TAXPAYER OR THE TAXPAYER'S SPOUSE DOES
23 NOT RESPOND TO THE QUESTIONS REGARDING ORGAN AND TISSUE
24 DONATION, CONSENT IS DEEMED NOT GIVEN.

25 § 8620. VOLUNTARY CONTRIBUTION SYSTEM.

26 (A) VOLUNTARY DESIGNATION.--THE DEPARTMENT OF REVENUE SHALL
27 PROVIDE A SPACE ON THE FACE OF THE STATE INDIVIDUAL INCOME TAX
28 RETURN FORM FOR THE 1995 TAX YEAR WHEREBY AN INDIVIDUAL MAY
29 VOLUNTARILY DESIGNATE A CONTRIBUTION OF ANY AMOUNT DESIRED TO
30 THE FUND ESTABLISHED IN SECTION 8624 (RELATING TO ORGAN DONATION

1 AWARENESS TRUST FUND).

2 (B) DEDUCTION FROM REFUND.--THE AMOUNT SO DESIGNATED BY AN
3 INDIVIDUAL ON THE STATE INDIVIDUAL INCOME TAX RETURN FORM SHALL
4 BE DEDUCTED FROM THE TAX REFUND TO WHICH THE INDIVIDUAL IS
5 ENTITLED AND SHALL NOT CONSTITUTE A CHARGE AGAINST THE INCOME
6 TAX REVENUES DUE THE COMMONWEALTH.

7 (C) TRANSFER OF FUNDS.--THE DEPARTMENT OF REVENUE SHALL
8 ANNUALLY DETERMINE THE TOTAL AMOUNT DESIGNATED PURSUANT TO THIS
9 SECTION AND SHALL REPORT THAT AMOUNT TO THE STATE TREASURER, WHO
10 SHALL TRANSFER THAT AMOUNT FROM THE GENERAL FUND TO THE FUND.

11 (D) FORM INSTRUCTIONS.--THE DEPARTMENT OF REVENUE SHALL
12 PROVIDE IN ITS INSTRUCTIONS WHICH ACCOMPANY STATE INDIVIDUAL
13 INCOME TAX RETURN FORMS:

14 (1) ADEQUATE INFORMATION CONCERNING THE ORGAN DONOR
15 AWARENESS TRUST FUND WHICH SHALL INCLUDE THE LISTING OF AN
16 ADDRESS, FURNISHED TO IT BY THE ADVISORY COMMITTEE, TO WHICH
17 CONTRIBUTIONS MAY BE SENT BY THOSE TAXPAYERS WISHING TO
18 CONTRIBUTE TO THE FUND BUT WHO DO NOT RECEIVE REFUNDS.

19 (2) THE SINGLE STATEWIDE TOLL-FREE TELEPHONE NUMBER TO
20 HANDLE REQUESTS FOR REGISTRY FOR LIFE INFORMATION, FURNISHED
21 TO THE DEPARTMENT OF REVENUE BY THE DEPARTMENT OF HEALTH,
22 INCLUDING THE STATEMENT "FOR FURTHER INFORMATION ON THE
23 REGISTRY FOR LIFE CONTACT."

24 (E) APPLICABILITY.--THIS SECTION SHALL APPLY TO TAXABLE
25 YEARS BEGINNING ON OR AFTER JANUARY 1, 1995.

26 § 8621. USE OF DRIVER'S LICENSE TO INDICATE ORGAN OR TISSUE
27 DONATION.

28 BEGINNING AS SOON AS PRACTICABLE, BUT NO LATER THAN ONE YEAR
29 FOLLOWING THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT OF
30 TRANSPORTATION SHALL REDESIGN THE DRIVER'S LICENSE APPLICATION

1 AND RENEWAL FORMS TO CONTAIN REQUESTS FOR INFORMATION REGARDING
2 CONSENT OF THE INDIVIDUAL TO ORGAN AND TISSUE DONATION. THE
3 FOLLOWING QUESTIONS AS TO WHETHER THE INDIVIDUAL WISHES TO
4 DONATE SOME OR ALL OF HIS ORGANS AND TISSUE SHALL BE SET OUT ON
5 THE FORMS AS FOLLOWS:

6 PLEASE CHECK THE FOLLOWING THAT APPLY:

7 () I HEREBY CONSENT TO MAKE A GIFT OF MY ORGANS OR
8 TISSUE UPON MY DEATH.

9 () I WISH TO BE PLACED ON TO THE STATEWIDE DONOR
10 REGISTRY.

11 ONLY AN AFFIRMATIVE RESPONSE OF AN INDIVIDUAL SHALL BE NOTED ON
12 THE FRONT OF THE DRIVER'S LICENSE AND SHALL CLEARLY INDICATE THE
13 INDIVIDUAL'S INTENT TO DONATE HIS ORGANS OR TISSUE. A NOTATION
14 ON AN INDIVIDUAL'S DRIVER'S LICENSE THAT HE INTENDS TO DONATE
15 HIS ORGANS AND TISSUE IS DEEMED SUFFICIENT TO SATISFY ALL
16 REQUIREMENTS FOR CONSENT TO ORGAN OR TISSUE DONATION.

17 § 8622. POLICE AND EMERGENCY PERSONNEL RESPONSIBILITIES.

18 POLICE AND EMERGENCY PERSONNEL RESPONDING TO THE SCENE OF AN
19 ACCIDENT OR TRAUMA SHALL TAKE REASONABLE STEPS TO INSURE THAT
20 THE DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CARD OF THE
21 INDIVIDUAL INVOLVED IN THE ACCIDENT OR TRAUMA ACCOMPANIES THE
22 INDIVIDUAL TO THE HOSPITAL OR OTHER HEALTH CARE FACILITY.

23 § 8623. ORGAN DONATION AWARENESS TRUST FUND CONTRIBUTIONS.

24 THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE AN APPLICANT
25 FOR AN ORIGINAL OR RENEWAL DRIVER'S LICENSE, COMMERCIAL DRIVER'S
26 LICENSE OR MOTORCYCLE OPERATOR'S LICENSE THE OPPORTUNITY TO MAKE
27 A CONTRIBUTION OF \$1, \$5 OR OTHER AMOUNT TO THE FUND. THE
28 CONTRIBUTION SHALL BE ADDED TO THE REGULAR FEE FOR AN ORIGINAL
29 OR RENEWAL DRIVER'S LICENSE, COMMERCIAL DRIVER'S LICENSE OR
30 MOTORCYCLE OPERATOR'S LICENSE. ONE CONTRIBUTION MAY BE MADE FOR

1 EACH ISSUANCE OR RENEWAL OF A LICENSE OR ANY COMBINATION
2 THEREOF. CONTRIBUTIONS SHALL BE USED EXCLUSIVELY FOR THE
3 PURPOSES SET OUT IN SECTION 8624 (RELATING TO ORGAN DONATION
4 AWARENESS TRUST FUND). THE DEPARTMENT OF TRANSPORTATION SHALL
5 BIANNUALLY DETERMINE THE TOTAL AMOUNT DESIGNATED UNDER THIS
6 SECTION AND SHALL REPORT THAT AMOUNT TO THE STATE TREASURER, WHO
7 SHALL TRANSFER THAT AMOUNT FROM THE GENERAL FUND TO THE ORGAN
8 DONATION AWARENESS TRUST FUND.

9 § 8624. ORGAN DONATION AWARENESS TRUST FUND.

10 (A) ESTABLISHMENT.--ALL CONTRIBUTIONS RECEIVED BY THE
11 DEPARTMENT OF TRANSPORTATION UNDER SECTION 8623 (RELATING TO
12 ORGAN DONATION AWARENESS TRUST FUND CONTRIBUTIONS) AND THE
13 DEPARTMENT OF REVENUE UNDER SECTION 8620 (RELATING TO VOLUNTARY
14 CONTRIBUTION SYSTEM) SHALL BE DEPOSITED INTO A SPECIAL FUND IN
15 THE STATE TREASURY TO BE KNOWN AS THE ORGAN DONATION AWARENESS
16 TRUST FUND, WHICH IS HEREBY ESTABLISHED.

17 (B) APPROPRIATION.--ALL MONEYS DEPOSITED IN THE FUND AND
18 INTEREST WHICH ACCRUES FROM THOSE FUNDS ARE APPROPRIATED ON A
19 CONTINUING BASIS TO THE DEPARTMENTS AND FOR THE PURPOSES SET
20 FORTH IN THIS SUBSECTION. MONEYS IN THE FUND SHALL BE PAID BY
21 THE STATE TREASURER PERIODICALLY TO THOSE DEPARTMENTS AUTHORIZED
22 UNDER THIS SUBSECTION TO EXPEND THEM IN AMOUNTS AS MAY BE
23 NECESSARY TO SATISFY THE FUNDING NEEDS OF THE DEPARTMENTS.
24 MONEYS IN THE FUND SHALL BE ALLOCATED AS FOLLOWS:

25 (1) UP TO 50% MAY BE EXPENDED FOR GRANTS TO CERTIFIED
26 ORGAN PROCUREMENT ORGANIZATIONS FOR THE DEVELOPMENT AND
27 IMPLEMENTATION OF ORGAN DONATION AWARENESS PROGRAMS IN THIS
28 COMMONWEALTH.

29 (2) UP TO 25% MAY BE EXPENDED BY THE DEPARTMENT OF
30 HEALTH FOR THE PROJECT-MAKE-A-CHOICE PROGRAM, WHICH SHALL

1 INCLUDE PUBLIC INFORMATION AND PUBLIC EDUCATION ABOUT
2 CONTRIBUTING TO THE FUND WHEN OBTAINING OR RENEWING A
3 DRIVER'S LICENSE, A COMMERCIAL DRIVER'S LICENSE OR A
4 MOTORCYCLE OPERATOR'S LICENSE AND WHEN COMPLETING A STATE
5 INDIVIDUAL INCOME TAX RETURN FORM. IN ADDITION, A MAXIMUM OF
6 5% OF THIS AMOUNT MAY BE EXPENDED BY THE DEPARTMENT OF HEALTH
7 FOR ADMINISTRATIVE EXPENSES, INCLUDING ADVISORY COMMITTEE
8 EXPENSES.

9 (3) UP TO 25% MAY BE EXPENDED BY THE DEPARTMENT OF
10 EDUCATION FOR THE IMPLEMENTATION OF ORGAN DONATION AWARENESS
11 PROGRAMS IN THE SECONDARY SCHOOLS IN THIS COMMONWEALTH.

12 (C) ADVISORY COMMITTEE.--THE ORGAN DONATION ADVISORY
13 COMMITTEE IS HEREBY ESTABLISHED, WITH MEMBERSHIP AS FOLLOWS:

14 (1) TWO REPRESENTATIVES OF ORGAN PROCUREMENT
15 ORGANIZATIONS.

16 (2) SIX MEMBERS REPRESENTATIVE OF ORGAN RECIPIENTS,
17 FAMILIES OF RECIPIENTS, ORGAN DONORS AND FAMILIES OF DONORS.

18 (3) THREE REPRESENTATIVES OF ACUTE CARE HOSPITALS.

19 ALL MEMBERS SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE
20 AND CONSENT OF A MAJORITY OF THE MEMBERS ELECTED TO THE SENATE.

21 APPOINTMENTS SHALL BE MADE IN A MANNER THAT PROVIDES

22 REPRESENTATION OF THE NORTHWEST, NORTH CENTRAL, NORTHEAST,

23 SOUTHWEST, SOUTH CENTRAL AND SOUTHEAST REGIONS OF THIS

24 COMMONWEALTH. MEMBERS SHALL SERVE FIVE-YEAR TERMS. THE GOVERNOR

25 MAY REAPPOINT ADVISORY COMMITTEE MEMBERS FOR SUCCESSIVE TERMS.

26 MEMBERS OF THE ADVISORY COMMITTEE SHALL REMAIN IN OFFICE UNTIL A

27 SUCCESSOR IS APPOINTED AND QUALIFIED. IF VACANCIES OCCUR PRIOR

28 TO COMPLETION OF A TERM THE GOVERNOR SHALL APPOINT ANOTHER

29 MEMBER IN ACCORDANCE WITH THIS SUBSECTION TO FILL THE UNEXPIRED

30 TERM. THE ADVISORY COMMITTEE SHALL MEET AT LEAST ANNUALLY TO

1 REVIEW PROGRESS IN THE AREA OF ORGAN AND TISSUE DONATION IN THIS
2 COMMONWEALTH, RECOMMEND EDUCATION AND AWARENESS TRAINING
3 PROGRAMS, RECOMMEND PRIORITIES IN EXPENDITURES FROM THE FUND AND
4 ADVISE THE SECRETARY OF HEALTH ON MATTERS RELATING TO
5 ADMINISTRATION OF THE FUND. THE ADVISORY COMMITTEE SHALL
6 RECOMMEND LEGISLATION AS IT DEEMS NECESSARY TO FULFILL THE
7 PURPOSES OF THIS CHAPTER. THE ADVISORY COMMITTEE SHALL SUBMIT A
8 REPORT CONCERNING ITS ACTIVITIES AND PROGRESS TO THE GENERAL
9 ASSEMBLY WITHIN 30 DAYS PRIOR TO THE EXPIRATION OF EACH
10 LEGISLATIVE SESSION. THE DEPARTMENT OF HEALTH SHALL REIMBURSE
11 MEMBERS OF THE ADVISORY COMMITTEE FOR ALL NECESSARY AND
12 REASONABLE TRAVEL AND OTHER EXPENSES INCURRED IN THE PERFORMANCE
13 OF THEIR DUTIES UNDER THIS SECTION.

14 (D) REPORTS.--THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF
15 EDUCATION SHALL SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY
16 ON EXPENDITURES OF FUND MONEYS AND ANY PROGRESS MADE IN REDUCING
17 THE NUMBER OF POTENTIAL DONORS WHO WERE NOT IDENTIFIED.

18 § 8625. CONFIDENTIALITY REQUIREMENT.

19 THE IDENTITY OF THE DONOR AND OF THE RECIPIENT MAY NOT BE
20 COMMUNICATED UNLESS EXPRESSLY AUTHORIZED BY THE RECIPIENT AND
21 NEXT OF KIN OF THE DECEDENT.

22 SUBCHAPTER C

23 CORNEAL TRANSPLANTS

24 SEC.

25 8641. REMOVAL OF CORNEAL TISSUE PERMITTED UNDER CERTAIN
26 CIRCUMSTANCES.

27 8642. LIMITATION OF LIABILITY.

28 § 8641. REMOVAL OF CORNEAL TISSUE PERMITTED UNDER CERTAIN
29 CIRCUMSTANCES.

30 (A) GENERAL RULE.--ON A REQUEST FROM AN AUTHORIZED OFFICIAL

1 OF AN EYE BANK FOR CORNEAL TISSUE, A CORONOR OR MEDICAL EXAMINER
2 MAY PERMIT THE REMOVAL OF CORNEAL TISSUE IF ALL OF THE FOLLOWING
3 APPLY:

4 (1) THE DECEDENT FROM WHOM THE TISSUE IS TO BE REMOVED
5 DIED UNDER CIRCUMSTANCES REQUIRING AN INQUEST.

6 (2) NO OBJECTION BY A PERSON LISTED IN SECTION 8611
7 (RELATING TO PERSONS WHO MAY EXECUTE ANATOMICAL GIFT) IS
8 KNOWN BY THE CORONOR OR MEDICAL EXAMINER.

9 (3) THE REMOVAL OF THE CORNEAL TISSUE WILL NOT INTERFERE
10 WITH THE SUBSEQUENT COURSE OF AN INVESTIGATION OR AUTOPSY OR
11 ALTER THE DECEDENT'S POSTMORTEM FACIAL APPEARANCE.

12 (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM "EYE
13 BANK" MEANS A NONPROFIT CORPORATION CHARTERED UNDER THE LAWS OF
14 THIS COMMONWEALTH TO OBTAIN, STORE AND DISTRIBUTE DONOR EYES TO
15 BE USED BY PHYSICIANS OR SURGEONS FOR CORNEAL TRANSPLANTS,
16 RESEARCH OR OTHER MEDICAL PURPOSES AND THE MEDICAL ACTIVITIES OF
17 WHICH ARE DIRECTED BY A PHYSICIAN OR SURGEON IN THIS
18 COMMONWEALTH.

19 § 8642. LIMITATION OF LIABILITY.

20 A PERSON WHO ACTS IN GOOD FAITH IN ACCORDANCE WITH THE
21 PROVISIONS OF THIS SUBCHAPTER SHALL NOT BE SUBJECT TO CRIMINAL
22 OR CIVIL LIABILITY ARISING FROM ANY ACTION TAKEN UNDER THIS
23 SUBCHAPTER. THE IMMUNITY PROVIDED BY THIS SECTION SHALL NOT
24 EXTEND TO PERSONS IF DAMAGES RESULT FROM THE GROSS NEGLIGENCE,
25 RECKLESSNESS OR INTENTIONAL MISCONDUCT OF THE PERSON.

26 SECTION 6. THE DEPARTMENT OF PUBLIC WELFARE SHALL, WITHIN
27 ONE YEAR OF THE EFFECTIVE DATE OF THIS ACT, ESTABLISH AND
28 DISSEMINATE GUIDELINES FOR MENTAL HEALTH AND MENTAL RETARDATION
29 FACILITIES TO USE IN COUNSELING CLIENTS AND THEIR GUARDIANS AS
30 TO ORGAN DONOR AWARENESS UNDER 20 PA.C.S. CH. 86.

1 SECTION 7. THE DEPARTMENT OF EDUCATION, IN COOPERATION WITH
2 THE DEPARTMENT OF HEALTH AND ORGAN PROCUREMENT ORGANIZATIONS,
3 SHALL ESTABLISH A PROGRAM THAT CAN BE USED FOR SECONDARY
4 EDUCATION PURPOSES, WHICH SHALL INCLUDE:

5 (1) INFORMATION ABOUT STATE LAW RELATING TO ANATOMICAL
6 GIFTS, INCLUDING HOW TO BECOME AN ORGAN DONOR.

7 (2) GENERAL INFORMATION ABOUT ORGAN TRANSPLANTATION IN
8 THE UNITED STATES.

9 SECTION 8. THIS ACT SHALL TAKE EFFECT DECEMBER 31, 1994, OR
10 IMMEDIATELY, WHICHEVER IS LATER.