

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1034 Session of  
2004

INTRODUCED BY GREENLEAF, COSTA, LEMMOND, KUKOVICH, EARLL,  
O'PAKE, RAFFERTY, SCHWARTZ, BOSCOLA, ERICKSON, STACK,  
WONDERLING, C. WILLIAMS, PIPPY, WOZNIAK, WENGER, RHOADES AND  
CORMAN, MARCH 22, 2004

REFERRED TO JUDICIARY, MARCH 22, 2004

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for certain  
3 immunity for hospitals who donate medicine, medical supplies  
4 and equipment for humanitarian assistance.

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

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

9 § 8338.1. Liability for damages from donated medicine, medical  
10 supplies and equipment for humanitarian assistance.

11 (a) General rule.--A hospital is not subject to civil  
12 liability arising from the nature or condition of medicine,  
13 medical supplies and equipment which were reasonably believed to  
14 be in good condition and donated in good faith for humanitarian  
15 assistance. This section does not apply to an injury or death to  
16 any person that results from an act or omission of the donor  
17 constituting gross negligence, recklessness or intentional  
18 misconduct.

1     (b) Nonliability.--This section shall not be construed as  
2     establishing any liability.

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

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

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

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