

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1474 Session of
2014

INTRODUCED BY SABATINA, MURT, BARRAR, BISHOP, V. BROWN,
BROWNLEE, CALTAGIRONE, D. COSTA, P. COSTA, DAVIS, DeLUCA,
FARRY, FLECK, FRANKEL, GINGRICH, GOODMAN, KAVULICH, KINSEY,
KORTZ, KOTIK, KULA, MAHONEY, McCARTER, D. MILLER, MIRABITO,
O'BRIEN, READSHAW, ROZZI, THOMAS AND YOUNGBLOOD,
JUNE 17, 2014

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 17, 2014

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 manner of executing anatomical gifts.

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

6 Section 1. Section 8613 of Title 20 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subsection to read:
8 § 8613. Manner of executing anatomical gifts.

9 * * *

10 (g) Rights and protections for certain individuals.--

11 (1) An individual who is a candidate to receive an
12 anatomical gift shall not be deemed ineligible to receive an
13 anatomical gift solely because of the individual's physical
14 or mental disability, except to the extent that the physical
15 or mental disability has been found by a physician or
16 surgeon, following an individualized evaluation of the

1 potential recipient, to be medically significant to the
2 provision of the anatomical gift. If an individual has the
3 necessary support system to assist the individual in
4 complying with posttransplant medical requirements, an
5 individual's inability to independently comply with those
6 requirements shall not be deemed to be medically significant.
7 The provisions of this subsection shall apply to each part of
8 the organ transplant process.

9 (2) The court shall accord priority on its calendar and
10 expeditiously proceed with an action brought to seek any
11 remedy authorized by law for purposes of enforcing compliance
12 with the provisions of this section.

13 (3) The provisions of this section shall not be deemed
14 to require referrals or recommendations for, or the
15 performance of, medically inappropriate organ transplants.

16 (4) As used in this section, "disability" shall have the
17 same meaning as in the Americans with Disabilities Act of
18 1990 (Public Law 101-336, 104 Stat. 327).

19 Section 2. This act shall take effect immediately.