

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 108 Session of 2017

INTRODUCED BY SABATINA, VULAKOVICH, ARGALL, BLAKE, YUDICHAK,
FONTANA, COSTA, LANGERHOLC, HAYWOOD, RAFFERTY, BREWSTER AND
HUGHES, JANUARY 13, 2017

REFERRED TO JUDICIARY, JANUARY 13, 2017

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, in anatomical gifts,
3 further providing for 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) (i) An individual who is a candidate to receive an
12 anatomical gift shall not be deemed ineligible to receive
13 an anatomical gift solely because of the individual's
14 physical or mental disability, except to the extent that
15 the physical or mental disability has been found by a
16 physician or surgeon following an individualized
17 evaluation of the potential recipient to be medically
18 significant to the provision of the anatomical gift.

1 (ii) If an individual has the necessary support
2 system to assist the individual in complying with
3 posttransplant medical requirements, an individual's
4 inability to independently comply with those requirements
5 shall not be deemed to be medically significant.

6 (iii) The provisions of this subsection shall apply
7 to each part of the organ transplant process.

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

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

15 (4) As used in this subsection, the term "disability"
16 shall have the same meaning as in the Americans with
17 Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).
18 Section 2. This act shall take effect immediately.