

## 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,  
HUGHES, BROWNE, FOLMER, BOSCOLA, MCGARRIGLE AND FARNESE,  
JANUARY 13, 2017

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MARCH 13, 2018

## 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 IN <--  
12 NEED OF an anatomical gift shall not be deemed ineligible  
13 to receive an anatomical gift solely because of the  
14 individual's physical or mental disability, except to the  
15 extent that the physical or mental disability has been  
16 found by a physician or surgeon following an

1 individualized evaluation of the ~~potential recipient~~ <--  
2 INDIVIDUAL to be medically significant to the provision <--  
3 of the anatomical gift.

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

9 ~~(iii) The provisions of this subsection shall apply~~ <--  
10 ~~to each part of the organ transplant process.~~

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

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

18 ~~(4)~~ (2) As used in this subsection, the term <--  
19 "disability" shall have the same meaning as in the Americans  
20 with Disabilities Act of 1990 (Public Law 101-336, 104 Stat.  
21 327).

22 Section 2. This act shall take effect immediately.