

## 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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
APRIL 17, 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 AND FOR GOVERNOR ROBERT P. CASEY MEMORIAL ORGAN AND TISSUE <--  
5 DONATION AWARENESS TRUST FUND CONTRIBUTIONS.

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

8 Section 1. Section 8613 of Title 20 of the Pennsylvania  
9 Consolidated Statutes is amended by adding a subsection to read:

10 § 8613. Manner of executing anatomical gifts.

11 \* \* \*

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

13 (1) (i) An individual who is a candidate to receive IN <--  
14 NEED OF an anatomical gift shall not be deemed ineligible  
15 to receive an anatomical gift solely because of the  
16 individual's physical or mental disability, except to the  
17 extent that the physical or mental disability has been

1       found by a physician or surgeon following an  
2       individualized evaluation of the ~~potential recipient~~ <--  
3       INDIVIDUAL to be medically significant to the provision <--  
4       of the anatomical gift.

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

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

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

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

19       ~~(4)~~ (2) As used in this subsection, the term <--  
20       "disability" shall have the same meaning as in the Americans  
21       with Disabilities Act of 1990 (Public Law 101-336, 104 Stat.  
22       327).

23       SECTION 2. SECTION 8621 OF TITLE 20 IS AMENDED TO READ: <--

24       § 8621. THE GOVERNOR ROBERT P. CASEY MEMORIAL ORGAN AND TISSUE  
25       DONATION AWARENESS TRUST FUND CONTRIBUTIONS.

26       (A) DRIVER'S LICENSE.--BEGINNING AS SOON AS PRACTICABLE, BUT  
27       NO LATER THAN JANUARY 1, 1995, THE DEPARTMENT OF TRANSPORTATION  
28       SHALL PROVIDE AN APPLICANT FOR AN ORIGINAL OR RENEWAL DRIVER'S  
29       LICENSE OR IDENTIFICATION CARD THE OPPORTUNITY TO MAKE A  
30       CONTRIBUTION OF [\$1] §3 TO THE FUND. THE CONTRIBUTION SHALL BE

1 ADDED TO THE REGULAR FEE FOR AN ORIGINAL OR RENEWAL DRIVER'S  
2 LICENSE OR IDENTIFICATION CARD. ONE CONTRIBUTION MAY BE MADE FOR  
3 EACH ISSUANCE OR RENEWAL OF A LICENSE OR IDENTIFICATION CARD.  
4 CONTRIBUTIONS SHALL BE USED EXCLUSIVELY FOR THE PURPOSES SET OUT  
5 IN SECTION 8622 (RELATING TO THE GOVERNOR ROBERT P. CASEY  
6 MEMORIAL ORGAN AND TISSUE DONATION AWARENESS TRUST FUND). THE  
7 DEPARTMENT OF TRANSPORTATION SHALL MONTHLY DETERMINE THE TOTAL  
8 AMOUNT DESIGNATED UNDER THIS SECTION AND SHALL REPORT THAT  
9 AMOUNT TO THE STATE TREASURER, WHO SHALL TRANSFER THAT AMOUNT TO  
10 THE GOVERNOR ROBERT P. CASEY MEMORIAL ORGAN AND TISSUE DONATION  
11 AWARENESS TRUST FUND.

12 (B) VEHICLE REGISTRATION.--THE DEPARTMENT OF TRANSPORTATION  
13 SHALL PROVIDE AN APPLICANT FOR A RENEWAL VEHICLE REGISTRATION  
14 THE OPPORTUNITY TO MAKE A CONTRIBUTION OF [\$1] \$3 TO THE  
15 GOVERNOR ROBERT P. CASEY MEMORIAL ORGAN AND TISSUE DONATION  
16 AWARENESS TRUST FUND. THE CONTRIBUTION SHALL BE ADDED TO THE  
17 REGULAR FEE FOR A RENEWAL OF A VEHICLE REGISTRATION. ONE  
18 CONTRIBUTION MAY BE MADE FOR EACH RENEWAL VEHICLE REGISTRATION.  
19 CONTRIBUTIONS SHALL BE USED EXCLUSIVELY FOR THE PURPOSES  
20 DESCRIBED IN SECTION 8622. THE DEPARTMENT OF TRANSPORTATION  
21 SHALL MONTHLY DETERMINE THE TOTAL AMOUNT DESIGNATED UNDER THIS  
22 SECTION AND SHALL REPORT THAT AMOUNT TO THE STATE TREASURER, WHO  
23 SHALL TRANSFER THAT AMOUNT TO THE GOVERNOR ROBERT P. CASEY  
24 MEMORIAL ORGAN AND TISSUE DONATION AWARENESS TRUST FUND. THE  
25 GOVERNOR ROBERT P. CASEY MEMORIAL ORGAN AND TISSUE DONATION  
26 AWARENESS TRUST FUND SHALL REIMBURSE THE DEPARTMENT FOR THE  
27 INITIAL COSTS INCURRED IN THE DEVELOPMENT AND IMPLEMENTATION OF  
28 THE CONTRIBUTION PROGRAM UNDER THIS SUBSECTION. THE GENERAL FUND  
29 SHALL REIMBURSE THE DEPARTMENT OF TRANSPORTATION FOR THE ACTUAL  
30 ANNUAL OPERATING COSTS OF THE PROGRAM FOR VEHICLE REGISTRATIONS

1 AS DESCRIBED IN THIS SUBSECTION SUBJECT TO THE FOLLOWING LIMITS:  
2 FOR THE FIRST FISCAL YEAR DURING WHICH THIS SUBSECTION IS  
3 EFFECTIVE, THE GENERAL FUND SHALL REIMBURSE THE DEPARTMENT OF  
4 TRANSPORTATION FOR THE ACTUAL OPERATING COSTS OF THE PROGRAM IN  
5 THIS SUBSECTION UP TO A MAXIMUM OF \$100,000. FOR EACH FISCAL  
6 YEAR THEREAFTER, THE GENERAL FUND SHALL REIMBURSE THE DEPARTMENT  
7 OF TRANSPORTATION FOR THE ACTUAL OPERATING COSTS OF THE PROGRAM  
8 IN THIS SUBSECTION IN AN AMOUNT NOT TO EXCEED THE PRIOR YEAR'S  
9 ACTUAL OPERATING COSTS ON A FULL FISCAL YEAR BASIS PLUS 3%. THE  
10 AMOUNTS APPROVED BY THE GOVERNOR AS NECESSARY ARE HEREBY  
11 APPROPRIATED FROM THE GENERAL FUND FOR THIS PURPOSE.

12 Section ~~2~~ 3. This act shall take effect ~~immediately~~. AS <--  
13 FOLLOWS:

14 (1) THE AMENDMENT OF 20 PA.C.S. § 8621 SHALL TAKE EFFECT  
15 IN 60 DAYS.

16 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
17 IMMEDIATELY.