

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2672 Session of 2012

INTRODUCED BY PETRARCA, OCTOBER 17, 2012

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 17, 2012

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 definitions, for prospective donors, for prospective donees,
4 for procedure, for amendment or revocation, for rights and
5 duties at death, for requests, for identification and
6 authorization, for the Governor Robert P. Casey Memorial
7 Organ and Tissue Donation Awareness Trust Fund, for
8 confidentiality and for prohibitions; providing for promotion
9 of donations through a registry, for effect on advance health
10 care directive, for facilitation of gifts during
11 investigation, for collaboration, for information, for
12 physician and nurse training, for uniformity and for
13 electronic signatures; and further providing for corneal
14 transplants.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. The definitions of "advisory committee," "bank or
18 storage facility," "decedent" and "organ procurement
19 organization" in section 8601 of Title 20 of the Pennsylvania
20 Consolidated Statutes are amended and the section is amended by
21 adding definitions to read:

22 § 8601. Definitions.

23 The following words and phrases when used in this chapter
24 shall have the meanings given to them in this section unless the

context clearly indicates otherwise:

* * *

"Adult." An individual who is at least 18 years of age.

"Advance health care directive." As defined in section 5422 (relating to definitions).

"Advisory committee." The Organ and Tissue Donation Advisory Committee established under section 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund).

"Agent." Any of the following:

(1) An individual authorized to make health care decisions on another's behalf under Subchapter C of Chapter 54 (relating to health care agents and representatives).

(2) An individual expressly authorized to make an anatomical gift on another's behalf by any other record signed by the individual giving the authorization.

"Anatomical gift." A donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research or education.

["Bank or storage facility." A facility licensed, accredited or approved under the laws of any state for storage of human bodies or parts thereof.]

* * *

"Decedent." [A deceased individual, including a stillborn infant or fetus.] A deceased individual whose body or part is or may be the source of an anatomical gift. The term includes a stillborn infant and, subject to restrictions imposed by other laws, a fetus. The term does not include a blastocyst, embryo or fetus that is the subject of an induced abortion.

"Document of gift." A donor card or other record used to

make, amend or revoke an anatomical gift. The term includes a statement or symbol on a driver's license or identification card or in a donor registry.

"Donate Life PA Registry." The registry established in section 8625 (relating to promotion of organ and tissue donation; Donate Life PA Registry established).

* * *

"Donor registry." A database which contains records of anatomical gifts. The term includes the Donate Life PA Registry.

"Eye bank." A person that is licensed, accredited or regulated under Federal or State law to engage in the recovery, screening, testing, processing, storage or distribution of human eyes or portions of human eyes.

* * *

"Hospital administrator." Any individual appointed by a hospital's governing body to act on its behalf in the overall management of the hospital. The term includes a designee of the individual.

"Know." To have actual knowledge.

"Minor." An individual who is under 18 years of age.

"Organ procurement organization." An organization [that meets the requirements of section 371 of the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 273)] designated for the region by the Secretary of Health and Human Services as an organ procurement organization.

* * *

"Person authorized or obligated to dispose of a decedent's body." Any of the following, without regard to order of priority:

(1) A coroner or medical examiner having jurisdiction

1 over the decedent's body.

2 (2) A warden or director of a correctional facility
3 where the decedent was incarcerated.

4 (3) An administrator or authorized official of a social
5 service agency having a relationship with the decedent.

6 (4) An individual or official of an entity that:

7 (i) is authorized to make decisions with respect to
8 the disposition, transportation, transfer, burial or
9 cremation of a decedent;

10 (ii) is under an obligation to make decisions with
11 respect to the disposition, transportation, transfer,
12 burial or cremation of a decedent; or

13 (iii) voluntarily assumes responsibility for
14 decisions with respect to the disposition,
15 transportation, transfer, burial or cremation of a
16 decedent.

17 * * *

18 "Program coordinator." The Organ and Tissue Donation
19 Awareness Program Coordinator established in section 8622
20 (relating to The Governor Robert P. Casey Memorial Organ and
21 Tissue Donation Awareness Trust Fund).

22 "Prospective donor." A person who is dead or whose death is
23 imminent and has been determined by an organ procurement
24 organization to have a part that could be medically suitable for
25 transplantation, therapy, research or education.

26 "Reasonably available." Able to be contacted by a
27 procurement organization without undue effort and willing and
28 able to act in a timely manner consistent with existing medical
29 criteria necessary to make an anatomical gift.

30 "Recipient." An individual into whose body a decedent's part

1 has been or is intended to be transplanted.

2 "Record." Information that is inscribed on a tangible medium
3 or that is stored in an electronic or other medium and is
4 retrievable in perceivable form.

5 * * *

6 "Tissue bank." A person that is licensed, accredited or
7 regulated under Federal or State law to engage in the recovery,
8 screening, testing, processing, storage or distribution of
9 tissue.

10 * * *

11 Section 2. Sections 8611(a), (b) and (c) of Title 20 are
12 amended and the section is amended by adding a subsection to
13 read:

14 § 8611. Persons who may execute anatomical gift.

15 (a) General rule.--Any individual of sound mind and 18 years
16 of age or more may give all or any part of his body for any
17 purpose specified in section 8612 (relating to persons who may
18 become donees; purposes for which anatomical gifts may be made),
19 the gift to take effect upon death. [Any] An agent [acting under
20 a power of attorney which authorizes the agent to make
21 anatomical gifts] may effectuate a gift for any purpose
22 specified in section 8612. Any individual who is a minor and 16
23 years of age or older may effectuate a gift for any purpose
24 specified in section 8612, provided parental or guardian consent
25 is deemed given. Parental or guardian consent shall be noted on
26 the minor's donor card, application for the donor's learner's
27 permit or driver's license or other document of gift. A gift of
28 the whole body shall be invalid unless made in writing at least
29 15 days prior to the date of death or consent is obtained from
30 the legal next of kin. Where there are adult children of the

1 deceased who are not children of the surviving spouse, their
2 consent shall also be required for a gift of the whole body for
3 anatomical study. A donor's gift of all or any part of the
4 individual's body, including a designation on a driver's license
5 or identification card, donor card, advance health care
6 directive, will or other document of gift, may not be revoked by
7 the next-of-kin or other persons identified in subsection (b).
8 The consent of any person at the time of the donor's death or
9 immediately thereafter shall not be necessary to render the gift
10 valid and effective.

11 (b) Others entitled to donate anatomy of decedent.--Any of
12 the following persons who are reasonably available, in order of
13 priority stated, when persons in prior classes are not
14 reasonably available at the time of death, and in the absence of
15 [actual notice of contrary indications] known objections by the
16 decedent or [actual notice of opposition] by a member of [the
17 same or] a prior class, may give all or any part of the
18 decedent's body for any purpose specified in section 8612:

- 19 [(1) The spouse.
20 (2) An adult son or daughter.
21 (3) Either parent.
22 (4) An adult brother or sister.
23 (5) A guardian of the person of the decedent at the time
24 of his death.

25 (6) Any other person authorized or under obligation to
26 dispose of the body.]

27 (1) An agent of the decedent at the time of death who
28 could have made an anatomical gift under subsection (a).

29 (2) The spouse of the decedent.

30 (3) An adult child of the decedent.

1 (4) A parent of the decedent.

2 (5) An adult sibling of the decedent.

3 (6) A guardian of the person of the decedent.

4 (7) An adult who is related to the decedent by blood,
5 marriage or adoption, including a stepparent, stepchild or
6 stepsibling.

7 (8) A person that exhibited special care and concern for
8 the decedent.

9 (9) A person authorized or obligated to dispose of the
10 decedent's body.

11 (b.1) Others required to donate anatomy of decedent.--Unless
12 there is a known objection by the decedent, a hospital
13 administrator shall give all or part of the decedent's body for
14 any purpose specified in section 8612.

15 (c) Donee not to accept in certain cases.--If the donee [has
16 actual notice of contrary indications] knows of an objection by
17 the decedent or that a gift by a member of a class is opposed by
18 a [member] reasonably available majority of the same class or a
19 reasonably available member of a prior class, the donee shall
20 not accept the gift. The persons authorized by subsection (b)
21 may make the gift after or immediately before death.

22 * * *

23 Section 2.1. Section 8612 of Title 20 is amended to read:

24 § 8612. Persons who may become donees; purposes for which
25 anatomical gifts may be made.

26 [The following persons may become donees of gifts of bodies
27 or parts thereof for any of the purposes stated:

28 (1) Any hospital, surgeon or physician for medical or
29 dental education, research, advancement of medical or dental
30 science, therapy or transplantation.

1 (2) Any accredited medical or dental school, college or
2 university for education, research, advancement of medical or
3 dental science or therapy.

4 (3) Any bank or storage facility for medical or dental
5 education, research, advancement of medical or dental
6 science, therapy or transplantation.

7 (4) Any specified individual for therapy or
8 transplantation needed by him.

9 (5) The board.]

10 (a) Donees.--An anatomical gift may be made to any of the
11 following persons named in the document of gift:

12 (1) If for research or education, any of the following:

13 (i) A hospital.

14 (ii) An accredited medical school, dental school,
15 college or university.

16 (iii) The board.

17 (iv) An organ procurement organization.

18 (v) Any other appropriate person as authorized by
19 law.

20 (2) Subject to subsection (b), an individual designated
21 by the person making the anatomical gift if the individual is
22 the recipient of the part.

23 (3) An eye bank or tissue bank.

24 (4) An organ procurement organization.

25 (b) Directed donation.--If an anatomical gift to an
26 individual under subsection (a)(2) cannot be transplanted into
27 the individual, the part shall pass in accordance with
28 subsection (c) in the absence of a known objection by the person
29 making the anatomical gift.

30 (c) Organ for transplant or therapy.--An anatomical gift of

1 an organ for transplantation or therapy, other than an
2 anatomical gift under subsection (a)(2), shall pass to the organ
3 procurement organization.

4 (d) Default.--If the intended purpose or recipient of an
5 anatomical gift is not known, the following shall apply:

6 (1) If the part is an eye, the gift shall pass to the
7 appropriate eye bank.

8 (2) If the part is tissue, the gift shall pass to the
9 appropriate tissue bank.

10 (3) If the part is an organ, the gift shall pass to the
11 appropriate organ procurement organization as custodian of
12 the organ.

13 (4) If the gift is of the decedent's entire body, the
14 gift shall pass to the board.

15 (e) Multiple purposes.--If there is more than one purpose of
16 an anatomical gift set forth in the document of gift but the
17 purposes are not set forth in any priority, the gift shall be
18 used for transplantation or therapy, if suitable, and shall pass
19 to the appropriate organ procurement organization. If the gift
20 cannot be used for transplantation or therapy, the gift may be
21 used for research or education.

22 (f) Unspecified purpose.--If an anatomical gift is made in a
23 document of gift that does not name a person described in
24 subsection (a) and does not identify the purpose of the gift,
25 the gift may be used only for transplantation or therapy, and
26 the gift shall pass in accordance with subsection (d).

27 Section 2.2. Section 8613(b), (d) and (e) of Title 20 are
28 amended and the section is amended by adding subsections to
29 read:

30 § 8613. Manner of executing anatomical gifts.

1 * * *

2 (b) Gifts by other documents.--[A gift of all or part of the
3 body under section 8611(a) may also be made by document other
4 than a will.] An anatomical gift may be made by other document,
5 including by authorizing a statement or symbol indicating that
6 the donor has made an anatomical gift, which shall be recorded
7 in a donor registry or on the donor's driver's license or
8 identification card. The gift becomes effective upon the death
9 of the donor. The document, which may be a card designed to be
10 carried on the person, must be signed by the donor [in the
11 presence of two witnesses who must sign the document in his
12 presence]. If the donor is mentally competent to signify his
13 desire to sign the document but is physically unable to do so,
14 the document may be signed for him by another at his direction
15 and in his presence in the presence of two witnesses who must
16 sign the document in his presence. Delivery of the document of
17 gift during the donor's lifetime is not necessary to make the
18 gift valid. Revocation, suspension, expiration or cancellation
19 of a driver's license or identification card upon which an
20 anatomical gift is indicated does not invalidate the gift.

21 * * *

22 [(d) Designation of person to carry out procedures.--
23 Notwithstanding section 8616(b) (relating to rights and duties
24 at death), the donor may designate in his will, card or other
25 document of gift the surgeon or physician to carry out the
26 appropriate procedures. In the absence of a designation or if
27 the designee is not available, the donee or other person
28 authorized to accept the gift may employ or authorize any
29 surgeon or physician for the purpose, or, in the case of a gift
30 of eyes, he may employ or authorize a person who is a funeral

1 director licensed by the State Board of Funeral Directors, an
2 eye bank technician or medical student, if the person has
3 successfully completed a course in eye enucleation approved by
4 the State Board of Medical Education and Licensure, or an eye
5 bank technician or medical student trained under a program in
6 the sterile technique for eye enucleation approved by the State
7 Board of Medical Education and Licensure to enucleate eyes for
8 an eye bank for the gift after certification of death by a
9 physician. A qualified funeral director, eye bank technician or
10 medical student acting in accordance with the terms of this
11 subsection shall not have any liability, civil or criminal, for
12 the eye enucleation.]

13 (d.1) Reliance.--A person may rely on a document of gift or
14 amendment thereto as being valid unless that person knows that
15 it was not validly executed or was revoked.

16 (e) Consent not necessary.--If a donor card, donor driver's
17 license, living will, durable power of attorney, donor registry
18 record or other document of gift evidencing a gift of organs or
19 tissue has been executed, consent of any person designated in
20 section 8611(b) at the time of the donor's death or immediately
21 thereafter is not necessary to render the gift valid and
22 effective.

23 * * *

24 (g) Validity.--A document of gift is valid if executed in
25 accordance with:

26 (1) this chapter;

27 (2) the law of the state or country where it was
28 executed; or

29 (3) the law of the state or country where, at the time
30 of execution of the document of gift, the person making the

anatomical gift:

(i) is domiciled;

(ii) has a place of residence; or

(iii) is a citizen.

(h) Choice of law.--If a document of gift is valid under this section, the law of this Commonwealth governs interpretation of the document.

Section 3. Section 8615 of Title 20 is amended by adding subsections to read:

§ 8615. Amendment or revocation of gift.

* * *

(d) Effectiveness of revocation.--A revocation made under this chapter shall take effect if, before an incision has been made to remove a part from the donor's body or before invasive procedures have begun to prepare the recipient, the applicable organ procurement organization, transplant hospital or physician or technician knows of the revocation.

(e) Revocation not a refusal.--A revocation made under this chapter shall not be considered a known objection or refusal to make a gift of one's body or parts nor a prohibition against a person described in section 8611(b) (relating to persons who may execute anatomical gift) making such a gift.

Section 4. Sections 8616(b), (c) and (d), 8617, 8619, 8621, 8622, 8623 and 8624 of Title 20 are amended to read:

§ 8616. Rights and duties at death.

* * *

(b) Physicians.--The time of death shall be determined by a physician who tends the donor at his death or, if none, the physician who certifies the death. [The physician or person who certifies death or any of his professional partners or

1 associates shall not participate in the procedures for removing
2 or transplanting a part.]

3 (c) Certain liability limited.--A person who acts in good
4 faith in accordance with the terms of this subchapter or with
5 the anatomical gift laws of another state or a foreign country
6 is not liable for damages in any civil action or subject to
7 prosecution in any criminal proceeding for his act. Neither a
8 person making an anatomical gift nor a donor's estate shall be
9 liable for injury or damage which results from the making or use
10 of the anatomical gift. In determining whether an anatomical
11 gift has been made, amended or revoked under this chapter, a
12 person may rely upon representations of an individual listed in
13 section 8611(b) relating to the individual's relationship to the
14 donor or prospective donor unless the person knows that the
15 representation is untrue.

16 (d) Law on autopsies applicable.--The provisions of this
17 subchapter are subject to the laws of this Commonwealth
18 prescribing powers and duties with respect to autopsies.
19 Notwithstanding 18 Pa.C.S. Ch. 91 (relating to criminal history
20 record information), an organ procurement organization is
21 authorized to obtain a copy of an autopsy report in a timely
22 fashion upon request and payment of reasonable copying fees.

23 § 8617. Requests for anatomical gifts.

24 [(a) Procedure.--On or before the occurrence of each death
25 in an acute care general hospital, the hospital shall make
26 contact with the regional organ procurement organization in
27 order to determine the suitability for organ, tissue and eye
28 donation for any purpose specified under this subchapter. This
29 contact and the disposition shall be noted on the patient's
30 medical record.

1 (b) Limitation.--If the hospital administrator or his
2 designee has received actual notice of opposition from any of
3 the persons named in section 8611(b) (relating to persons who
4 may execute anatomical gift) and the decedent was not in
5 possession of a validly executed donor card, the gift of all or
6 any part of the decedent's body shall not be requested.

7 (c) Donor card.--Notwithstanding any provision of law to the
8 contrary, the intent of a decedent to participate in an organ
9 donor program as evidenced by the possession of a validly
10 executed donor card, donor driver's license, living will,
11 durable power of attorney or other document of gift shall not be
12 revoked by any member of any of the classes specified in section
13 8611(b).

14 (d) Identification of potential donors.--Each acute care
15 general hospital shall develop within one year of the date of
16 final enactment of this section, with the concurrence of the
17 hospital medical staff, a protocol for identifying potential
18 organ and tissue donors. It shall require that, at or near the
19 time of every individual death, all acute care general hospitals
20 contact by telephone their regional organ procurement
21 organization to determine suitability for organ, tissue and eye
22 donation of the individual in question. The person designated by
23 the acute care general hospital to contact the organ procurement
24 organization shall have the following information available
25 prior to making the contact:

- 26 (1) The patient's identifier number.
- 27 (2) The patient's age.
- 28 (3) The cause of death.
- 29 (4) Any past medical history available.

30 The organ procurement organization, in consultation with the

1 patient's attending physician or his designee, shall determine
2 the suitability for donation. If the organ procurement
3 organization in consultation with the patient's attending
4 physician or his designee determines that donation is not
5 appropriate based on established medical criteria, this shall be
6 noted by hospital personnel on the patient's record, and no
7 further action is necessary. If the organ procurement
8 organization in consultation with the patient's attending
9 physician or his designee determines that the patient is a
10 suitable candidate for anatomical donation, the acute care
11 general hospital shall initiate a request by informing the
12 persons and following the procedure designated under section
13 8611(b) of the option to donate organs, tissues or eyes. The
14 person initiating the request shall be an organ procurement
15 organization representative or a designated requestor. The organ
16 procurement organization representative or designated requestor
17 shall ask persons pursuant to section 8611(b) whether the
18 deceased was an organ donor. If the person designated under
19 section 8611(b) does not know, then this person shall be
20 informed of the option to donate organs and tissues. The
21 protocol shall encourage discretion and sensitivity to family
22 circumstances in all discussions regarding donations of tissue
23 or organs. The protocol shall take into account the deceased
24 individual's religious beliefs or nonsuitability for organ and
25 tissue donation.

26 (e) Tissue procurement.--

27 (1) The first priority use for all tissue shall be
28 transplantation.

29 (2) Upon Department of Health approval of guidelines
30 pursuant to subsection (f)(1)(ii), all acute care general

1 hospitals shall select at least one tissue procurement
2 provider. A hospital shall notify the regional organ
3 procurement organization of its choice of tissue procurement
4 providers. If a hospital chooses more than one tissue
5 procurement provider, it may specify a rotation of referrals
6 by the organ procurement organization to the designated
7 tissue procurement providers.

8 (3) Until the Department of Health has approved
9 guidelines pursuant to subsection (f)(1)(ii), tissue
10 referrals at each hospital shall be rotated in a proportion
11 equal to the average rate of donors recovered among the
12 tissue procurement providers at that hospital during the two-
13 year period ending August 31, 1994.

14 (4) The regional organ procurement organization, with
15 the assistance of tissue procurement providers, shall submit
16 an annual report to the General Assembly on the following:

17 (i) The number of tissue donors.

18 (ii) The number of tissue procurements for
19 transplantation.

20 (iii) The number of tissue procurements recovered
21 for research by each tissue procurement provider
22 operating in this Commonwealth.

23 (f) Guidelines.--

24 (1) The Department of Health, in consultation with organ
25 procurement organizations, tissue procurement providers and
26 the Hospital Association of Pennsylvania, donor recipients
27 and family appointed pursuant to section 8622(c)(3) (relating
28 to The Governor Robert P. Casey Memorial Organ and Tissue
29 Donation Awareness Trust Fund) shall, within six months of
30 the effective date of this chapter, do all of the following:

1 (i) Establish guidelines regarding efficient
2 procedures facilitating the delivery of anatomical gift
3 donations from receiving hospitals to procurement
4 providers.

5 (ii) Develop guidelines to assist hospitals in the
6 selection and designation of tissue procurement
7 providers.

8 (2) Each organ procurement organization and each tissue
9 procurement provider operating within this Commonwealth
10 shall, within six months of the effective date of this
11 chapter, file with the Department of Health, for public
12 review, its operating protocols.]

13 (a) Procedure.--

14 (1) A hospital located in this Commonwealth shall notify
15 the applicable designated organ procurement organization or a
16 third party designated by that organization of an individual
17 whose death is imminent or who has died in the hospital.
18 Notification shall be made in a timely manner to ensure that
19 examination, evaluation and ascertainment of donor status as
20 set forth in subsection (d) can be completed within a time
21 frame compatible with the donation of organs and tissues for
22 transplant. The notification shall be made without regard to
23 whether the person has executed an advance directive for
24 health care.

25 (2) The following shall apply to coroners and medical
26 examiners:

27 (i) Except as set forth in subparagraph (ii), a
28 coroner or medical examiner shall notify the applicable
29 designated organ procurement organization of a person's
30 death in accordance with a mutually agreed-upon protocol.

1 Notification shall be made in a timely manner to ensure
2 that examination, evaluation and ascertainment of donor
3 status as set forth in subsection (d) can be completed
4 within a time frame compatible with the recovery of
5 tissues for transplant.

6 (ii) Notification under this paragraph shall not be
7 made if:

8 (A) the decedent was admitted to the hospital at
9 or around the time of death; or

10 (B) the notification to the coroner or medical
11 examiner occurred more than 18 hours following the
12 estimated time of the decedent's death.

13 (b) Referrals.--If an organ procurement organization
14 receives a referral of an individual whose death is imminent or
15 who has died, the organ procurement organization shall make a
16 reasonable search of the records of the Donate Life PA Registry
17 or the applicable State donor registry that it knows exists for
18 the geographic area in which the individual resided or resides
19 in order to ascertain whether the individual has made an
20 anatomical gift.

21 (c) Document of gift.--

22 (1) If the referred patient has a document of gift,
23 including registration with the Donate Life PA Registry, the
24 procurement organization representative or the designated
25 requestor shall attempt to notify a person listed in section
26 8611(b) (relating to persons who may execute anatomical gift)
27 of the gift.

28 (2) If no document of gift is known to the procurement
29 organization representative or the designated requestor, one
30 of these two individuals shall ask the persons listed in

1 section 8611(b) whether the decedent had a validly executed
2 document of gift. If there is no evidence of an anatomical
3 gift by the decedent, the procurement organization
4 representative or the designated requestor shall notify a
5 person listed in section 8611(b) of the option to donate
6 organs and tissues.

7 (3) The hospital administrator or that person's
8 designated representative shall indicate in the medical
9 record of the decedent:

10 (i) whether or not a document of gift is known to
11 exist or whether a gift was made; and

12 (ii) the name of the person granting or refusing the
13 gift and that person's relationship to the decedent.

14 (d) Testing.--

15 (1) This subsection shall apply if:

16 (i) a hospital refers an individual who is dead or
17 whose death is imminent to an organ procurement
18 organization; and

19 (ii) the organ procurement organization determines,
20 based upon a medical record review, that the individual
21 may be a prospective donor.

22 (2) If the requirements of paragraph (1) are met, the
23 following shall apply:

24 (i) The organ procurement organization may conduct a
25 blood or tissue test or minimally invasive examination
26 which is reasonably necessary to evaluate the medical
27 suitability of a part that is or may be the subject of an
28 anatomical gift. Specific consent to testing or
29 examination under this subparagraph shall not be
30 required. The results of tests and examinations under

this subparagraph shall be used or disclosed only:

(A) to evaluate medical suitability for donation
and to facilitate the donation process; and

(B) as required or permitted by law.

(ii) The hospital may not withdraw or withhold any
measures which are necessary to maintain the medical
suitability of the part until the organ procurement
organization has:

(A) had the opportunity to advise the applicable
persons as set forth in section 8611(b) of the option
to make an anatomical gift and has received or been
denied authorization to proceed with recovery of the
part; or

(B) has ascertained that the individual
expressed a known objection.

(e) Testing after death.--After a donor's death, a person to
whom an anatomical gift may pass under section 8612 (relating to
persons who may become donees; purposes for which anatomical
gifts may be made) may conduct a test or examination which is
reasonably necessary to evaluate the medical suitability of the
body or part for its intended purpose.

(f) Scope.--An examination conducted under this section may
include copying of records necessary to determine the medical
suitability of the body or part. This subsection includes
medical, dental and other health-related records.

(f.1) Recipients.--

(1) Subject to the provisions of this chapter, the
rights of the person to whom a part passes under section 8612
shall be superior to the rights of all others with respect to
the part. The person may accept or reject an anatomical gift

1 in whole or in part.

2 (2) Subject to the terms of the document of gift and
3 this chapter, a person that accepts an anatomical gift of an
4 entire body may allow embalming, burial or cremation and the
5 use of remains in a funeral service. If the gift is of a
6 part, the person to whom the part passes under section 8612,
7 upon the death of the donor and before embalming, burial or
8 cremation, shall cause the part to be removed without
9 unnecessary mutilation.

10 (f.2) Physicians.--

11 (1) Neither the physician who attends the decedent at
12 death nor the physician who determines the time of the
13 decedent's death may participate in the procedures for
14 removing or transplanting a part from the decedent.

15 (2) Subject to paragraph (1), a physician or technician
16 may remove a donated part from the body of a donor that the
17 physician or technician is qualified to remove.

18 (f.3) Coordination of procurement and use.--

19 (1) A hospital shall enter into agreements or
20 affiliations with organ procurement organizations for
21 coordination of procurement and use of anatomical gifts.

22 (2) A person, including a coroner or medical examiner,
23 that seeks to facilitate the making of an anatomical gift for
24 the purposes of transplantation or therapy from a decedent
25 who was not a hospital patient at the time of death shall
26 notify the applicable designated organ procurement
27 organization at or around the time of the person's death in
28 order to allow that organization to evaluate the potential
29 donation and, if applicable, coordinate the donation process.

30 (g) Death record review.--

1 (1) The Department of Health shall make annual death
2 record reviews at acute care general hospitals to determine
3 their compliance with subsection (d).

4 (2) To conduct a review of an acute care general
5 hospital, the following apply:

6 (i) The [Department of Health] department shall
7 select to carry out the review the Commonwealth-licensed
8 organ procurement organization designated by the [Health
9 Care Financing Administration] Centers for Medicare and
10 Medicaid Services for the region within which the acute
11 care general hospital is located. For an organ
12 procurement organization to be selected under this
13 subparagraph, the organization must not operate nor have
14 an ownership interest in an entity which provides all of
15 the functions of a tissue procurement provider.

16 (ii) If there is no valid selection under
17 subparagraph (i) or if the organization selected under
18 subparagraph (i) is unwilling to carry out the review,
19 the department shall select to carry out the review any
20 other Commonwealth-licensed organ procurement
21 organization. For an organ procurement organization to be
22 selected under this subparagraph, the organization must
23 not operate nor have an ownership interest in an entity
24 which provides all of the functions of a tissue
25 procurement provider.

26 (iii) If there is no valid selection under
27 subparagraph (ii) or if the organization selected under
28 subparagraph (ii) is unwilling to carry out the review,
29 the department shall carry out the review using trained
30 department personnel.

1 (3) There shall be no cost assessed against a hospital
2 for a review under this subsection.

3 (4) If the department finds, on the basis of a review
4 under this subsection, that a hospital is not in compliance
5 with subsection (d), the department may impose an
6 administrative fine of up to \$500 for each instance of
7 noncompliance. A fine under this paragraph is subject to 2
8 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of
9 Commonwealth agencies) and Ch. 7 Subch. A (relating to
10 judicial review of Commonwealth agency action). Fines
11 collected under this paragraph shall be deposited into the
12 fund.

13 (5) An organ procurement organization may, upon request
14 and payment of associated fees, obtain certified copies of
15 death records of a donor from the Division of Vital Records
16 of the department.

17 (h) Definitions.--As used in this section, the following
18 words and phrases shall have the meanings given to them in this
19 subsection:

20 "Designated requestor." A hospital employee completing a
21 course offered by [an] a designated organ procurement
22 organization on how to approach potential donor families and
23 request organ or tissue donation.

24 "Noncompliance." Any failure on the part of a hospital to
25 contact an organ procurement organization as required under
26 subsection (d).

27 § 8619. Use of driver's license or identification card to
28 indicate organ or tissue donation.

29 (a) General rule.--Beginning as soon as practicable, but no
30 later than January 1, 1995, or one year following the effective

1 date of this section, whichever is later, the Department of
2 Transportation shall redesign the driver's license and
3 identification card application system to process requests for
4 information regarding consent of the individual to organ or
5 tissue donation. The following question shall be asked:

6 Do you wish to have the organ donor designation printed
7 on your driver's license?

8 Only an affirmative response of an individual shall be noted on
9 the front of the driver's license or identification card and
10 shall clearly indicate the individual's intent to donate his
11 organs or tissue. A notation on an individual's driver's license
12 or identification card that he intends to donate his organs or
13 tissue is deemed sufficient to satisfy all requirements for
14 consent to organ or tissue donation. The department shall record
15 and store all organ donor designations in the Donate Life PA
16 Registry, regardless of whether a driver's license or
17 identification card is issued. The recorded and stored
18 designation is sufficient to satisfy all requirements for
19 consent to organ and tissue donation.

20 (b) Electronic access.--The organ procurement organizations
21 designated by the Federal Government in the Commonwealth of
22 Pennsylvania as part of the nationwide organ procurement network
23 [may] shall be given 24-hour-a-day electronic access to
24 information necessary to confirm an individual's organ donor
25 status through the Department of Transportation's driver
26 licensing database. Necessary information shall include the
27 individual's name, address, date of birth, driver's license
28 number and organ donor status. Notwithstanding 75 Pa.C.S. § 6114
29 (relating to limitation on sale, publication and disclosure of
30 records), the Department of Transportation is authorized to

1 provide the organ procurement organizations, after a written
2 agreement between the Department of Transportation and the organ
3 procurement organizations is first obtained, with the foregoing
4 information. The organ procurement organization shall not use
5 such information for any purpose other than to confirm an
6 individual's organ donor status at or near or after an
7 individual's death. The organ procurement organizations shall
8 not be assessed the fee for such information prescribed by 75
9 Pa.C.S. § 1955(a) (relating to information concerning drivers
10 and vehicles).

11 § 8621. The Governor Robert P. Casey Memorial Organ and Tissue
12 Donation Awareness Trust Fund contributions.

13 (a) Driver's license.--Beginning as soon as practicable, but
14 no later than [January 1, 1995] July 1, 2013, the Department of
15 Transportation shall provide an applicant for an original or
16 renewal driver's license or identification card the opportunity
17 to make a contribution of [\$1] \$2 to the fund. The contribution
18 shall be added to the regular fee for an original or renewal
19 driver's license or identification card. One contribution may be
20 made for each issuance or renewal of a license or identification
21 card. Contributions shall be used exclusively for the purposes
22 set out in section 8622 (relating to The Governor Robert P.
23 Casey Memorial Organ and Tissue Donation Awareness Trust Fund).
24 The Department of Transportation shall monthly determine the
25 total amount designated under this section and shall report that
26 amount to the State Treasurer, who shall transfer that amount to
27 The Governor Robert P. Casey Memorial Organ and Tissue Donation
28 Awareness Trust Fund.

29 (b) Vehicle registration.--The Department of Transportation
30 shall provide an applicant for a renewal vehicle registration

1 the opportunity to make a contribution of [\$1] \$2 to The
2 Governor Robert P. Casey Memorial Organ and Tissue Donation
3 Awareness Trust Fund. The contribution shall be added to the
4 regular fee for a renewal of a vehicle registration. One
5 contribution may be made for each renewal vehicle registration.
6 Contributions shall be used exclusively for the purposes
7 described in section 8622. The Department of Transportation
8 shall monthly determine the total amount designated under this
9 section and shall report that amount to the State Treasurer, who
10 shall transfer that amount to The Governor Robert P. Casey
11 Memorial Organ and Tissue Donation Awareness Trust Fund. The
12 Governor Robert P. Casey Memorial Organ and Tissue Donation
13 Awareness Trust Fund shall reimburse the department for the
14 initial costs incurred in the development and implementation of
15 the contribution program under this subsection in an amount of
16 not more than \$375,000. The General Fund shall reimburse the
17 Department of Transportation for the actual annual operating
18 costs of the program for vehicle registrations as described in
19 this subsection [subject to the following limits: For the first
20 fiscal year during which this subsection is effective, the
21 General Fund shall reimburse the Department of Transportation
22 for the actual operating costs of the program in this subsection
23 up to a maximum of \$100,000]. For each fiscal year thereafter,
24 the General Fund shall reimburse the Department of
25 Transportation for the actual operating costs of the program in
26 this subsection in an amount not to exceed the prior year's
27 actual operating costs on a full fiscal year basis plus 3%. The
28 amounts approved by the Governor as necessary are hereby
29 appropriated from the General Fund for this purpose.

30 (c) Internet website.--Within one year of the effective date

1 of this subsection, the official Internet website of the
2 department shall provide links through which individuals may
3 make voluntary contributions of at least \$1 to the fund,
4 electronically and by paper. The links shall be provided at
5 least in connection with the issuance of driver's licenses,
6 personal identification cards and registration of motor
7 vehicles.

8 § 8622. The Governor Robert P. Casey Memorial Organ and Tissue
9 Donation Awareness Trust Fund.

10 (a) Establishment.--All contributions received by the
11 Department of Transportation under section 8621 (relating to The
12 Governor Robert P. Casey Memorial Organ and Tissue Donation
13 Awareness Trust Fund contributions) and the Department of
14 Revenue under section 8618 (relating to voluntary contribution
15 system) and the Department of Health under section 8617
16 (relating to requests for anatomical gifts) shall be deposited
17 into a special fund in the State Treasury to be known as The
18 Governor Robert P. Casey Memorial Organ and Tissue Donation
19 Awareness Trust Fund, which is hereby established.

20 (b) Appropriation.--All moneys deposited in the fund and
21 interest which accrues from those funds are appropriated on a
22 continuing basis subject to the approval of the Governor to
23 compensate the Department of Transportation, the Department of
24 Health and the Department of Revenue for actual costs related to
25 implementation of this chapter, including all costs of the Organ
26 and Tissue Donation Advisory Committee created in subsection
27 (c). Any remaining funds are appropriated subject to the
28 approval of the Governor for the following purposes:

29 (1) [10%] Ten percent of the total fund may be expended
30 annually by the Department of Health for reasonable hospital

1 and other medical expenses, funeral expenses and incidental
2 expenses incurred by the donor or donor's family in
3 connection with making [a vital organ donation] an organ or
4 tissue donation, along with programming, to provide support
5 services to organ and tissue donors and their families, such
6 as bereavement counseling services. Such expenditures shall
7 not exceed \$3,000 per donor and shall only be made directly
8 to the funeral home, hospital or other service provider
9 related to the donation. No part of the fund shall be
10 transferred directly to the donor's family, next of kin or
11 estate. The advisory committee shall develop procedures,
12 including the development of a pilot program, necessary for
13 effectuating the purposes of this paragraph.

14 (2) [50%] Fifty percent may be expended for grants to
15 certified organ procurement organizations for the development
16 and implementation of organ donation awareness programs in
17 this Commonwealth. The Department of Health shall develop and
18 administer this grant program, which is hereby established.

19 (3) [15%] Fifteen percent may be expended by the
20 Department of Health, in cooperation with certified organ
21 procurement organizations, for the Project-Make-A-Choice
22 program, which shall include information pamphlets designed
23 by the Department of Health relating to organ donor awareness
24 and the laws regarding organ donation, public information and
25 public education about contributing to the fund when
26 obtaining or renewing a driver's license and when completing
27 a State individual income tax return form.

28 (4) [25%] Twenty-five percent may be expended by the
29 Department of Education for the implementation of organ
30 donation awareness programs in the secondary schools in this

1 Commonwealth.

2 [(c) Advisory committee.--The Organ Donation Advisory
3 Committee is hereby established, with membership as follows:

4 (1) Two representatives of organ procurement
5 organizations.

6 (2) Two representatives of tissue procurement providers.

7 (3) Six members representative of organ, tissue and eye
8 recipients, families of recipients and families of donors.

9 (4) Three representatives of acute care hospitals.

10 (5) One representative of the Department of Health.

11 (6) One representative of eye banks.

12 All members shall be appointed by the Governor. Appointments
13 shall be made in a manner that provides representation of the
14 northwest, north central, northeast, southwest, south central
15 and southeast regions of this Commonwealth. Members shall serve
16 five-year terms. The Governor may reappoint advisory committee
17 members for successive terms. Members of the advisory committee
18 shall remain in office until a successor is appointed and
19 qualified. If vacancies occur prior to completion of a term, the
20 Governor shall appoint another member in accordance with this
21 subsection to fill the unexpired term. The advisory committee
22 shall meet at least biannually to review progress in the area of
23 organ and tissue donation in this Commonwealth, recommend
24 education and awareness training programs, recommend priorities
25 in expenditures from the fund and advise the Secretary of Health
26 on matters relating to administration of the fund. The advisory
27 committee shall recommend legislation as it deems necessary to
28 fulfill the purposes of this chapter. The advisory committee
29 shall submit a report concerning its activities and progress to
30 the General Assembly within 30 days prior to the expiration of

1 each legislative session. The Department of Health shall
2 reimburse members of the advisory committee for all necessary
3 and reasonable travel and other expenses incurred in the
4 performance of their duties under this section.]

5 (c) Advisory committee.--

6 (1) The Organ and Tissue Donation Advisory Committee is
7 established. Membership shall be as follows:

8 (i) The Secretary of Education or a designee.

9 (ii) The Secretary of Health or a designee.

10 (iii) The Secretary of Transportation or a designee.

11 (iv) One representative from each designated organ
12 procurement organization.

13 (v) Two representatives of tissue procurement
14 providers.

15 (vi) Six members representative of:

16 (A) organ, tissue and eye recipients;

17 (B) families of recipients;

18 (C) donors; and

19 (D) families of donors.

20 (vii) Two representatives of acute care hospitals
21 which are:

22 (A) licensed in this Commonwealth; and

23 (B) members of the Statewide association
24 representing the interests of hospitals throughout
25 this Commonwealth.

26 (viii) One representative of eye banks.

27 (ix) One representative of community health
28 organizations.

29 (2) A member under paragraph (1)(i), (ii) and (iii)
30 shall serve ex officio.

1 (3) For a member under paragraph (1)(iv), (v), (vi),
2 (vii), (viii) and (ix), the following apply:

3 (i) Members shall be appointed in a manner which
4 reflects geographic diversity. Input on the selection of
5 the representatives under paragraph (1)(vii) shall be
6 sought from the Statewide association referred to in
7 paragraph (1)(vii)(B).

8 (ii) The members shall serve five-year terms.

9 (iii) The Governor may reappoint an advisory
10 committee member for successive terms.

11 (iv) A member shall remain in office until a
12 successor is appointed and qualified.

13 (v) If a vacancy occurs prior to completion of a
14 term, the Governor shall appoint a member to fill the
15 unexpired term in the same manner as the vacating member
16 was appointed.

17 (4) The advisory committee shall meet at least
18 biannually to do all of the following:

19 (i) Review progress in the area of organ and tissue
20 donation in this Commonwealth.

21 (ii) Recommend education and awareness training
22 programs.

23 (iii) Recommend priorities in expenditures from the
24 fund.

25 (iv) Advise the Secretary of Health on matters
26 relating to administration of the fund.

27 (v) Recommend legislation as necessary to fulfill
28 the purposes of this chapter.

29 (5) The advisory committee shall submit a report
30 concerning its activities and progress to the Secretary of

the Senate and the Chief Clerk of the House of
Representatives by October 31 of each even-numbered year.

(6) The Department of Health shall reimburse members of
the advisory committee only for necessary and reasonable
travel and other expenses incurred in the performance of
their duties under this subsection.

(d) Reports.--The Department of Health, the Department of
Transportation and the Department of Education shall submit an
annual report to the General Assembly on expenditures of fund
moneys and any progress made in [reducing the number of
potential donors who were not identified] increasing the number
of donor designations.

[(e) Definition.--As used in this section, the term "vital
organ" means a heart, lung, liver, kidney, pancreas, small
bowel, large bowel or stomach for the purpose of
transplantation.]

(f) Lead Commonwealth agency.--

(1) The Department of Health shall be the lead
Commonwealth agency responsible for promoting organ and
tissue donation in this Commonwealth and shall coordinate
activities among other collaborating Commonwealth agencies.

(2) Within the Department of Health there is established
a full-time position of Organ and Tissue Donation Awareness
Program Coordinator.

(i) The Department of Health shall be reimbursed by
The Governor Robert P. Casey Memorial Organ and Tissue
Donation Awareness Trust Fund for the actual cost of the
program coordinator position.

(ii) The program coordinator has the following
powers and duties:

1 (A) Assist in administration of the fund.

2 (B) Serve as a full-time liaison to the advisory
3 committee and assist the advisory committee in
4 program development, projects, funding proposals and
5 priorities.

6 (C) Serve as liaison with other Commonwealth
7 agencies. This clause shall include working with the
8 Department of Transportation to ensure that driver's
9 license centers promote organ and tissue donation and
10 comply with agreed-upon arrangements to display
11 information and materials.

12 (D) Assist designated organ procurement
13 organizations in their collaborations with other
14 Commonwealth agencies.

15 § 8623. Confidentiality requirement.

16 The identity of the donor and of the recipient may not be
17 communicated unless expressly authorized by [the recipient and
18 next of kin of the decedent.]:

19 (1) the recipient; and

20 (2) if the donor is alive, the donor, or if the donor is
21 deceased, the next of kin of the donor.

22 § 8624. Prohibited activities.

23 [(a) Affiliates.--No organ procurement organization selected
24 by the Department of Health under section 8617(g) (relating to
25 requests for anatomical gifts) to conduct annual death reviews
26 may use that review authority or any powers or privileges
27 granted thereby to coerce or attempt to coerce a hospital to
28 select the organization or any tissue procurement provider
29 contractually affiliated with the organization as a designated
30 tissue procurement provider under section 8617(e).

1 (b) Unfair acts.--No organ procurement organization or
2 tissue procurement provider may disparage the services or
3 business of other procurement providers by false or misleading
4 representations of fact, engage in any other fraudulent conduct
5 to influence the selection by a hospital of a qualified tissue
6 procurement provider nor engage in unlawful competition or
7 discrimination. This subsection is not intended to restrict or
8 preclude any organ procurement organization or tissue
9 procurement provider from marketing or promoting its services in
10 the normal course of business.]

11 (a) Procurement organizations.--

12 (1) A procurement organization shall not do any of the
13 following:

14 (i) Disparage the services or business of another
15 procurement organization by false or misleading
16 representations of fact.

17 (ii) Engage in fraudulent conduct to influence the
18 selection by a hospital of a tissue bank or eye bank.

19 (iii) Engage in unlawful competition or
20 discrimination.

21 (2) This subsection is not intended to restrict or
22 preclude an organ procurement organization from marketing or
23 promoting its services in the normal course of business.

24 (b) Funeral establishments.--

25 (1) Except as set forth in paragraph (2), a funeral
26 director or a funeral establishment shall not:

27 (i) remove body parts from a corpse;

28 (ii) permit others to remove body parts from a
29 corpse; or

30 (iii) use funeral establishment facilities to remove

1 body parts from a corpse.

2 (2) Paragraph (1) shall not apply as follows:

3 (i) Removal is permissible if it is:

4 (A) necessary to perform embalming or other
5 services in preparation for burial or cremation; and

6 (B) authorized in writing by a family member,
7 guardian or other person responsible for disposition
8 of the body.

9 (ii) Notwithstanding any other provision of law, if
10 a donation is authorized under this chapter, a designated
11 organ procurement organization and a Pennsylvania
12 nonprofit eye bank accredited by the Eye Bank Association
13 of America may recover donated ocular tissue, including
14 the whole eye, cornea and sclera, and associated blood
15 specimens at a funeral establishment.

16 (3) If a funeral director is notified by a person
17 authorized to make donations under this chapter that the
18 person wishes to donate body parts from a corpse within the
19 funeral director's custody, the funeral director shall
20 immediately notify the organ procurement organization
21 designated to serve that region.

22 Section 5. Title 20 is amended by adding sections to read:

23 § 8625. Promotion of organ and tissue donation; Donate Life PA
24 Registry established.

25 (a) Promotion.--The Department of Transportation shall
26 ensure access by residents of this Commonwealth to an Internet-
27 based interface which promotes organ and tissue donation and
28 enables residents 18 years of age or older who hold a
29 Pennsylvania driver's license or identification card to register
30 as donors and have their decisions immediately integrated into

1 the current database maintained by the department. The database
2 shall include only affirmative donation decisions.

3 (b) Paper form.--

4 (1) Within one year of the effective date of this
5 section, the department shall establish a system which allows
6 individuals who have been issued a driver's license or
7 identification card to add their donor designation to the
8 Donate Life PA Registry by submitting a form to the
9 department.

10 (2) Registration shall be provided at no cost to the
11 registrant.

12 (c) Donate Life PA Registry; name.--The database maintained
13 by the department for recording donor designations and Internet-
14 based interface established in this section shall be known as
15 the Donate Life PA Registry.

16 (d) Form and content.--The form and content of the Internet-
17 based interface shall be maintained in collaboration with the
18 designated organ procurement organizations.

19 (e) Effect.--

20 (1) Donor information entered into the Donate Life PA
21 Registry shall supersede prior conflicting information:

22 (i) provided to the Donate Life PA Registry;

23 (ii) on the individual's physical driver's license
24 or identification card;

25 (iii) on an advance health care directive;

26 (iv) submitted under section 8611 (relating to
27 persons who may execute anatomical gift); or

28 (v) submitted under any other statutory provision.

29 (2) Registration by a donor shall constitute sufficient
30 authorization to donate organs and tissues for

transplantation and therapy. Authorization of another person shall not be necessary to effectuate the anatomical gift.

(f) Technology.--An information technology system adopted by the Department of Transportation after the effective date of this section shall continue to accommodate the inclusion of donor designation information into the database and the ongoing operation of the Donate Life PA Registry.

§ 8626. Effect of anatomical gift on advance health care directive.

(a) Scope.--This section shall apply if a hospital patient who is a prospective donor has executed an advance health care directive or otherwise specified by record the circumstances under which the patient would want life support withheld or withdrawn, and the terms of the advance health care directive or other record are in conflict with the option of making an anatomical gift by precluding the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy.

(b) Requirements.--If the patient is incapable of resolving the conflict, any of the following shall act for the patient to resolve the conflict:

(1) The patient's agent.

(2) If no agent has been designated by the patient or if the agent is not reasonably available, a person authorized by law other than this chapter to make decisions on behalf of the patient with regard to the patient's health care.

(c) Resolution.--The parties specified in subsection (b) shall seek to resolve the conflict as expeditiously as possible. Information relevant to the resolution of the conflict shall be obtained from the appropriate organ procurement organization and

1 any other person authorized to make an anatomical gift for the
2 patient under section 8611 (relating to persons who may execute
3 anatomical gift). If the parties cannot resolve the conflict,
4 the patient's donor designation or an anatomical gift by a
5 person authorized under section 8611 shall control.

6 (d) Measures.--Measures necessary to ensure the medical
7 suitability of the part shall not be withheld or withdrawn from
8 the patient prior to resolution of the conflict.

9 § 8627. Facilitation of anatomical gift from decedent whose
10 death is under investigation.

11 (a) Request by procurement organization.--Organ procurement
12 organizations shall in all cases collaborate with the coroner or
13 medical examiner to ensure the preservation of forensic evidence
14 and collection of photographs and specimens. Notwithstanding the
15 provisions set forth in 18 Pa.C.S. Ch. 91 (relating to criminal
16 history record information), a coroner or medical examiner
17 shall, upon request, release to the organ procurement
18 organization the name, contact information and available medical
19 and social history of a decedent whose death is under
20 investigation. The coroner or medical examiner may permit the
21 removal of an anatomical gift from a decedent who died under
22 circumstances requiring an investigation.

23 (b) Collaboration.--If a coroner or medical examiner is
24 considering withholding one or more organs of a potential donor
25 for any reason, the coroner or medical examiner or his or her
26 designee shall, upon request of the organ procurement
27 organization, be present during the procedure to remove the
28 organs. The coroner or medical examiner or his or her designee
29 may request a biopsy of those organs or deny removal of the
30 organs if necessary. If the coroner or medical examiner or his

1 or her designee denies removal of the organs, the coroner or
2 medical examiner shall explain in writing the reasons for
3 determining that those organs may be involved in the cause of
4 death and the basis for denying recovery of the organ.

5 (c) Report.--If requested by the coroner or medical
6 examiner, the physician or technician recovering a part under
7 this section shall provide a report detailing the condition of
8 the part. If appropriate, the report shall include a biopsy,
9 photographs or medically approved sample from the part. The
10 designated organ procurement organization shall reimburse the
11 coroner or medical examiner for the reasonable costs for the
12 professional services of the coroner or medical examiner or his
13 or her designee associated with attending the recovery.

14 § 8628. Collaboration among departments and organ procurement
15 organizations.

16 (a) Mandatory.--

17 (1) For purposes of the ongoing development and
18 implementation of the Donate Life PA Registry, the Department
19 of Transportation shall collaborate with the designated organ
20 procurement organizations in applying for Federal or private
21 grants recommended by the organ procurement organizations.

22 (2) The Department of Transportation, in consultation
23 with designated organ procurement organizations, shall
24 establish an annual education program for employees of the
25 Department of Transportation. The program shall focus on:

26 (i) benefits associated with organ and tissue
27 donations;

28 (ii) the scope and operation of the Commonwealth's
29 donor program; and

30 (iii) how employees can:

1 (A) effectively inform the public about the
2 donor program; and

3 (B) best assist those wishing to participate in
4 the donor program, including use of the Donate Life
5 PA Registry.

6 (b) Discretionary.--Other Commonwealth agencies may
7 collaborate with the designated organ procurement organizations
8 in applying for Federal or private grants recommended by the
9 organ procurement organizations.

10 § 8629. Information relative to organ and tissue donation.

11 (a) Curriculum.--The Department of Education, in
12 consultation with the designated organ procurement
13 organizations, shall review the Commonwealth's educational
14 curriculum framework to ensure that information about organ
15 donation is included in the standards for students in grades
16 nine through 12 beginning with the 2013-2014 school year.

17 (b) Goals.--The goals of the standards shall be to:

18 (1) Emphasize the benefits of organ and tissue donation
19 to the health and well-being of society generally and to
20 individuals whose lives are saved by organ and tissue
21 donations so that students will be motivated to make an
22 affirmative decision to register as a donor when they become
23 adults.

24 (2) Fully address myths and misunderstandings regarding
25 organ and tissue donation.

26 (3) Explain the options available to minors and adults,
27 including the option of designating oneself as an organ and
28 tissue donor.

29 (c) Materials.--The Department of Education shall make
30 related instructional materials available to public and

nonpublic schools educating students in grades nine through 12.
The General Assembly shall encourage nonpublic schools to use
the instructional materials. Nothing in this subsection shall be
construed to require nonpublic schools to use the instructional
materials.

(d) Institutions of higher education.--

(1) Beginning with the 2013-2014 school year, each
public institution of higher education in this Commonwealth
shall provide, in collaboration with the designated organ
procurement organizations, information to its students,
either through student health services or as part of the
curriculum, which:

(i) emphasizes the benefits to the health and well-
being of society and the lives that are saved through
organ and tissue donations; and

(ii) instills knowledge which will enable
individuals to make informed decisions about registering
to become an organ and tissue donor.

(2) Beginning with the 2013-2014 school year, each
private institution of higher education in this Commonwealth
is encouraged to provide, in collaboration with the
designated organ procurement organizations, information to
its students, either through student health services or as
part of the curriculum, which:

(i) emphasizes the benefits to the health and well-
being of society and the lives that are saved through
organ and tissue donations; and

(ii) instills knowledge which will enable
individuals to make informed decisions about registering
to become an organ and tissue donor.

1 § 8630. Requirements for physician and nurse training relative
2 to organ and tissue donation and recovery.

3 (a) Regulations.--The State Board of Medicine, the State
4 Board of Osteopathic Medicine and the State Board of Nursing
5 shall, in collaboration with the designated organ procurement
6 organizations, promulgate regulations stating the following
7 requirements for physician and professional nurse training:

8 (1) The curriculum in each college of medicine or
9 osteopathy or educational program of professional nursing in
10 this Commonwealth shall include two hours of instruction in
11 organ and tissue donation and recovery designed to address
12 clinical aspects of the donation and recovery process.

13 (2) Successful completion of organ and tissue donation
14 and recovery instruction under paragraph (1) shall be
15 required as a condition of receiving the degree of doctor of
16 medicine or doctor of osteopathy or a degree in professional
17 nursing, in this Commonwealth.

18 (3) A college of medicine or osteopathy or nursing
19 program which includes instruction in organ and tissue
20 donation and recovery under paragraph (1) in its curricula
21 shall offer this training for continuing education credit.

22 (b) Statement of policy.--The State Board of Medicine, the
23 State Board of Osteopathic Medicine and the State Board of
24 Nursing shall issue a statement of policy encouraging physicians
25 and nurses who, prior to the effective date of this section,
26 were not required to receive and did not receive instruction in
27 organ and tissue donation and recovery as part of a medical,
28 osteopathic or nursing school curriculum to complete the
29 training within three years after the effective date of this
30 section. The training may be completed through an online,

credit-based course developed by or for the designated organ
procurement organizations, in collaboration with representative
professional medical, osteopathic and nursing organizations in
this Commonwealth.

§ 8631. Uniformity of application and construction.

In applying and construing the provisions of this chapter,
consideration shall be given to the need to promote uniformity
of the law with respect to its subject matter among those states
which enact a uniform act.

§ 8632. Relation to Electronic Signatures in Global and
National Commerce Act.

This chapter modifies, limits and supersedes the Electronic
Signatures in Global and National Commerce Act (Public Law
106-229, 15 U.S.C. § 7001 et seq.). This chapter shall not
modify, limit or supersede section 101(c) of the Electronic
Signatures in Global and National Commerce Act or authorize
electronic delivery of any of the notices described in section
103(b) of the Electronic Signatures in Global and National
Commerce Act.

Section 6. Subchapter C of Chapter 86 of Title 20 is
repealed:

[SUBCHAPTER C

CORNEAL TRANSPLANTS

Sec.

8641. Removal of corneal tissue permitted under certain
circumstances.

8642. Limitation of liability.

§ 8641. Removal of corneal tissue permitted under certain
circumstances.

(a) General rule.--On a request from an authorized official

1 of an eye bank for corneal tissue, a coroner or medical examiner
2 may permit the removal of corneal tissue if all of the following
3 apply:

4 (1) The decedent from whom the tissue is to be removed
5 died under circumstances requiring an inquest.

6 (2) The coroner or medical examiner has made a
7 reasonable effort to contact persons listed in section 8611
8 (relating to persons who may execute anatomical gift).

9 (3) No objection by a person listed in section 8611 is
10 known by the coroner or medical examiner.

11 (4) The removal of the corneal tissue will not interfere
12 with the subsequent course of an investigation or autopsy or
13 alter the decedent's postmortem facial appearance.

14 (b) Definition.--As used in this section, the term "eye
15 bank" means a nonprofit corporation chartered under the laws of
16 this Commonwealth to obtain, store and distribute donor eyes to
17 be used by physicians or surgeons for corneal transplants,
18 research or other medical purposes and the medical activities of
19 which are directed by a physician or surgeon in this
20 Commonwealth.

21 § 8642. Limitation of liability.

22 A person who acts in good faith in accordance with the
23 provisions of this subchapter shall not be subject to criminal
24 or civil liability arising from any action taken under this
25 subchapter. The immunity provided by this section shall not
26 extend to persons if damages result from the gross negligence,
27 recklessness or intentional misconduct of the person.]

28 Section 7. This act shall take effect in 60 days.