

AMENDMENTS TO SENATE BILL NO. 180

Sponsor: REPRESENTATIVE CUTLER

Printer's No. 1532

1 Amend Bill, page 1, line 30, by inserting after "EXAMPLE;"

2 and,

3 Amend Bill, page 2, line 15, by inserting after

4 "INVESTIGATION,"

5 for notification by coroners and medical examiners to district

6 attorneys, for discretionary notification by coroner or

7 medical examiner,

8 Amend Bill, page 2, line 16, by inserting after

9 "ORGANIZATIONS,"

10 for information relative to organ and tissue donation,

11 Amend Bill, page 50, line 20, by striking out "305(D)(2)" and

12 inserting

13 305(a), (a.1) and (d)(2)

14 Amend Bill, page 50, by inserting between lines 22 and 23

15 (a) General rule.--Except as specified in subsection (a.1),

16 the determination of the final disposition of a decedent's

17 remains shall be as set forth in this section unless otherwise

18 specifically provided by waiver and agreement of the person

19 entitled to make such determination under this section, subject

20 to the provisions of a valid will executed by the decedent and

21 [section] sections 8611(a) (relating to persons who may execute

22 anatomical gift) and 8654(1) (relating to requirement of

23 explicit, specific and separate authorization).

24 (a.1) Exception for members of the armed forces.--The

25 determination of the final disposition of a decedent's remains

26 shall be as set forth in this section unless otherwise

27 specifically provided by a DD Form 93 executed later in time

28 than a valid will executed by the decedent or a waiver and

29 agreement of the person entitled to make such determination

30 under this section, subject to the provisions of [section]

31 sections 8611(a) and 8654(1).

1 Amend Bill, page 75, lines 22 and 23, by striking out
2 "DISTRICT ATTORNEY OR A LAW ENFORCEMENT OFFICER NOTIFIES THE
3 ORGAN PROCUREMENT ORGANIZATION THAT THE"

4 Amend Bill, page 96, lines 10 through 30; page 97, lines 1
5 through 23; by striking out all of said lines on said pages and
6 inserting

7 (a.1) Informational insert.--The following apply:

8 (1) Within 180 days of the effective date of this
9 subsection, the Department of Transportation shall furnish an
10 informational insert about organ donation, tissue donation
11 and donation of vascularized composite allografts to each
12 applicant for a renewal driver's license or identification
13 card at the time of renewal.

14 (2) The informational insert shall explain:

15 (i) that under Pennsylvania law, donation of organs,
16 tissues and vascularized composite allografts is a
17 voluntary act;

18 (ii) the difference between organs, tissues and
19 vascularized composite allografts;

20 (iii) that under Pennsylvania law, explicit and
21 specific consent is needed to donate a vascularized
22 composite allograft;

23 (iv) that under Pennsylvania law, the request for a
24 vascularized composite allograft must be made separately
25 from a request for organs and tissues;

26 (v) that the organ donor designation on the driver's
27 license authorizes the individual to donate organs and
28 tissue and does not authorize the individual to donate a
29 vascularized composite allograft;

30 (vi) that more information about organ donation,
31 tissue donation and donation of vascularized composite
32 allografts, including information about the procedure for
33 recovering organs and other parts of the body and
34 information about being declared dead through brain death
35 and dead by lack of cardiac function, can be found on the
36 Department of Transportation's publicly accessible
37 Internet website; and

38 (vii) that, before deciding whether to have an organ
39 donor designation placed on the driver's license, the
40 individual may consult with the individual's physician,
41 attorney or clergy.

42 (3) The Governor Robert P. Casey Memorial Organ and
43 Tissue Donation Awareness Trust Fund shall reimburse the
44 Department of Transportation for the costs incurred in the
45 development and implementation of the informational insert

1 program.

2 Amend Bill, page 116, lines 5 through 9, by striking out the
3 comma in line 5 and all of lines 6 through 9 and inserting

4 and the applicable designated organ procurement
5 organization at the hospital, during a reasonable time
6 consistent with organ donation and preservation of forensic
7 evidence. In addition, the forensic pathologist may
8 participate as part of the medical advisory group by
9 appearing in person at the hospital, by telephone or through
10 electronic means.

11 Amend Bill, page 116, line 19, by inserting after "DENIAL."

12 The statement shall be provided to the designated organ
13 procurement organization upon request.

14 Amend Bill, page 116, by inserting between lines 29 and 30

15 § 8626.1. Notification by coroners and medical examiners to
16 district attorneys.

17 (a) Applicability.--This section shall apply in all cases
18 when the coroner or medical examiner:

19 (1) must determine the cause of death and whether the
20 death may have resulted from criminal acts or criminal
21 neglect; and

22 (2) is not the coroner or medical examiner of the county
23 in which the cause precipitating the death of the individual
24 is believed to have occurred.

25 (b) Procedure.--The coroner or medical examiner specified in
26 subsection (a)(2) shall notify the coroner or medical examiner
27 of the county in which the cause precipitating the death of the
28 individual is believed to have occurred. After receiving the
29 notification, the coroner or medical examiner shall notify or
30 cause to be notified the district attorney of the county in
31 which the cause precipitating the death of the individual is
32 believed to have occurred.

33 § 8626.2. Discretionary notification by coroner or medical
34 examiner.

35 (a) Notification.--Except as set forth in subsection (b), a
36 coroner or medical examiner or designee may notify the
37 applicable designated organ procurement organization of a
38 person's death outside the hospital for the purpose of
39 facilitating recovery of tissues for transplant.

40 (b) Exception.--Notification shall not apply if:

41 (1) the person was admitted to the hospital at or around
42 the time of death; or

43 (2) the notification to the coroner or medical examiner
44 occurred more than 18 hours following the estimated time of
45 the person's death.

46 Amend Bill, page 117, by inserting between lines 16 and 17

1 § 8627.1. Information relative to organ and tissue donation.

2 (a) Model curriculum.--Within nine months of the effective
3 date of this section, the Department of Education, in
4 consultation with the designated organ procurement
5 organizations, shall develop and post on the Department of
6 Education's publicly accessible Internet website a model
7 curriculum regarding organ donation for students in grades 9
8 through 12 which public and nonpublic schools may use to provide
9 instruction. The form and content of the model curriculum
10 regarding organ donation shall be determined by the Department
11 of Education. The model curriculum shall do all of the
12 following, at a minimum:

13 (1) Provide a comprehensive, scientific overview of
14 anatomical donation, its history and scientific advancement.

15 (2) Fully address the risks and benefits of and the
16 myths and misunderstandings regarding organ and tissue
17 donation.

18 (3) Explain the options available to minors and adults,
19 including the option of designating oneself as an organ and
20 tissue donor and the option of not designating oneself as an
21 organ donor.

22 (b) Materials.--Within nine months of the effective date of
23 this section, the Department of Education shall make related
24 instructional materials available on the Department of
25 Education's publicly accessible Internet website to public and
26 nonpublic schools educating students in grades 9 through 12. The
27 General Assembly shall encourage public and nonpublic schools to
28 use the instructional materials. Nothing in this subsection
29 shall be construed to require public or nonpublic schools to use
30 the instructional materials.

31 (c) Parental option.--A minor enrolled in a public or
32 nonpublic school shall be permitted to opt out of receiving
33 instruction or materials relating to anatomical donation as
34 provided under this section if the minor's parent or guardian
35 has provided written notice to the school.

36 (d) Institutions of higher education.--

37 (1) Beginning with the 2018-2019 school year, each
38 public institution of higher education in this Commonwealth
39 may provide, in collaboration with the designated organ
40 procurement organizations, information to its students,
41 either through student health services or as part of the
42 curriculum, which:

43 (i) provides a comprehensive, scientific overview of
44 anatomical donation, its history and scientific
45 advancement; and

46 (ii) addresses the risks and benefits of and the
47 myths and misunderstandings about anatomical donation.

48 (2) Beginning with the 2019-2020 school year, each
49 private institution of higher education in this Commonwealth
50 may provide, in collaboration with the designated organ
51 procurement organizations, information to its students,

1 either through student health services or as part of the
2 curriculum, which:

- 3 (i) provides a comprehensive, scientific overview of
4 anatomical donation, its history and scientific
5 advancement; and
6 (ii) addresses the risks and benefits of and the
7 myths and misunderstandings about anatomical donation.

8 Amend Bill, page 121, by inserting between lines 19 and 20
9 8657.1. Notification by coroners and medical examiners to
10 district attorneys.

11 Amend Bill, page 126, lines 14 through 16, by striking out
12 "DISTRICT ATTORNEY OR A LAW ENFORCEMENT" in line 14, all of line
13 15 and "THE" in line 16

14 Amend Bill, page 129, lines 16 through 19, by striking out "THE FORENSIC PATHOLOGIST, IF AVAILABLE," in line 16 and all of
15 lines 17 through 19 and inserting

17 and the applicable designated organ procurement
18 organization at the hospital, during a reasonable time
19 consistent with donation and preservation of forensic
20 evidence. In addition, the forensic pathologist may
21 participate as part of the medical advisory group by
22 appearing in person at the hospital, by telephone or through
23 electronic means.

24 Amend Bill, page 129, line 29, by inserting after "DENIAL."

25 The statement shall be provided to the designated organ
26 procurement organization upon request.

27 Amend Bill, page 130, by inserting between lines 9 and 10
28 \$ 8657.1. Notification by coroners and medical examiners to
29 district attorneys.

30 (a) Applicability.--This section shall apply in all cases
31 when the coroner or medical examiner:

32 (1) must determine the cause of death and whether the
33 death may have resulted from criminal acts or criminal
34 neglect; and

35 (2) the coroner or medical examiner is not the coroner
36 or medical examiner of the county in which the cause
37 precipitating the death of the individual is believed to have
38 occurred.

39 (b) Procedure.--The coroner or medical examiner specified in
40 subsection (a) (2) shall notify the coroner or medical examiner
41 of the county in which the cause precipitating the death of the
42 individual is believed to have occurred. After receiving the

notification, the coroner or medical examiner shall notify or
cause to be notified the district attorney of the county in
which the cause precipitating the death of the individual is
believed to have occurred.

Amend Bill, page 138, by inserting between lines 19 and 20

(ii) The addition of 20 Pa.C.S. § 8613(i).

Amend Bill, page 138, line 20, by striking out "(II)" and
inserting

(iii)

Amend Bill, page 138, line 21, by striking out "(III)" and
inserting

(iv)

Amend Bill, page 138, line 22, by striking out "(IV)" and
inserting

(v)

Amend Bill, page 138, by inserting between lines 22 and 23

(vi) The addition of 20 Pa.C.S. § 8626.1.

(vii) The addition of 20 Pa.C.S. § 8627.1.

Amend Bill, page 138, line 23, by striking out "(V)" and
inserting

(viii)

Amend Bill, page 138, line 24, by striking out "(VI)" and
inserting

(ix)

Amend Bill, page 138, line 25, by striking out "(VII)" and
inserting

(x)

Amend Bill, page 138, line 26, by striking out "(VIII)" and
inserting

(xi)