

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 90

Session of
1985

INTRODUCED BY BOOK, HARPER, HERMAN, MERRY, E. Z. TAYLOR,
McVERRY, DAWIDA, BELARDI, SAURMAN, FLICK, ANGSTADT, HAYES,
DORR, CLYMER, GLADECK, SEMMEL, ROBBINS, CAWLEY, BOYES, TELEK
AND MACKOWSKI, JANUARY 23, 1985

SENATOR WILT, PUBLIC HEALTH AND WELFARE, IN SENATE, AS AMENDED,
JUNE 11, 1986

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 anatomical gifts.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 8604 of Title 20 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subsection to read:
8 § 8604. Manner of executing anatomical gifts.

9 * * *

10 (d.1) Consent not necessary.--Where a donor card evidencing
11 a gift of the donor's eyes has been validly executed, consent of
12 the next of kin ANY PERSON DESIGNATED IN SECTION 8602(B) at the <—
13 time of the donor's death or immediately thereafter is not
14 necessary to render the gift valid and effective.

15 * * *

16 Section 2. Title 20 is amended by adding a section to read:

1 § 8608. Requests for anatomical gifts.

2 (a) Procedure.--On or before the occurrence of death in an
3 acute care general hospital, the hospital shall request consent
4 to a gift of all or any part of the decedent's body for any
5 purpose specified under this chapter. The request and its
6 disposition shall be noted in the patient's medical record and
7 upon the patient's death certificate. Whenever medical criteria
8 establishes that a body or body part donation would not be
9 suitable for use, a request need not be made.

10 (b) Limitation.--Where the hospital administrator, or his
11 designee, has received actual notice of opposition from any of
12 the persons named in ~~subsection (a)~~ SECTION 8602(B) (RELATING TO <—
13 PERSONS WHO MAY EXECUTE AN ANATOMICAL GIFT) and the decedent was
14 not in possession of a validly executed donor card, the gift of
15 all or any part of the decedent's body shall not be requested.

16 (c) Donor card.--Notwithstanding any provision of law to the
17 contrary, the intent of a decedent to participate in an organ
18 donor program as evidenced by the possession of a validly
19 executed donor card shall not be revoked by any member of any of
20 the classes specified in ~~subsection (a)~~ SECTION 8602(B). <—

21 (d) Identification of potential donors.--Each acute care
22 general hospital shall develop, with the concurrence of the
23 hospital medical staff, a protocol for identifying potential
24 organ and tissue donors. It shall require that, at or near the
25 time of notification of death, persons designated under section
26 8602(a) and (b) ~~(relating to persons who may execute an~~ <—
27 ~~anatomical gift)~~ be asked whether the deceased was an organ
28 donor or if the family is a donor family. If not, such persons
29 shall be informed of the option to donate organs and tissues.
30 Pursuant to this chapter, the hospital shall then notify an

1 organ and tissue procurement organization and cooperate in the
2 procurement of the anatomical gift or gifts. The protocol shall
3 encourage discretion and sensitivity to family circumstances in
4 all discussions regarding donations of tissue or organs. The
5 protocol may take into account the deceased individual's
6 religious beliefs or nonsuitability for organ and tissue
7 donation. In the event an organ and tissue procurement
8 organization does not exist in a region, the hospital shall
9 contact an organ or a tissue procurement organization in an
10 alternative region.

11 ~~(c) Death certificate. In preparing a certificate of death,~~ <—
12 ~~the person in charge of interment or of removal of a dead body~~
13 ~~from the registration district, as provided for in the act of~~
14 ~~June 29, 1953 (P.L.304, No.66), known as the Vital Statistics~~
15 ~~Law of 1953, shall obtain certification that a request for~~
16 ~~consent to an anatomical gift was made; whether or not consent~~
17 ~~was granted; and the name of the person granting the consent and~~
18 ~~the person's relationship to the decedent.~~

19 ~~(f)~~ (E) Exemption.--The Department of Health is authorized <—
20 to issue exemptions to any acute care general hospital it deems
21 unable to comply with this section.

22 ~~(g)~~ (F) Guidelines.--The Department of Health shall <—
23 establish guidelines regarding efficient procedures facilitating
24 the delivery of anatomical gift donations from receiving
25 hospitals to potential recipients and appropriate training
26 concerning the manner and conduct of employees making requests
27 for anatomical gift donations.

28 Section 3. This act shall take effect in 60 days.