

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1953 Session of  
2009

INTRODUCED BY COHEN, PETRARCA, YOUNGBLOOD, O'NEILL, CALTAGIRONE,  
VULAKOVICH, BELFANTI, MURT, DONATUCCI, MCGEEHAN, SIPTROTH,  
BRENNAN, KORTZ AND GIBBONS, AUGUST 31, 2009

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, AUGUST 31,  
2009

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the  
2 Pennsylvania Consolidated Statutes, further providing for the  
3 membership of the advisory committee of The Governor Robert  
4 P. Casey Memorial Organ and Tissue Donation Awareness Trust  
5 Fund.

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

8 Section 1. Section 8622 of Title 20 of the Pennsylvania  
9 Consolidated Statutes is amended to read:

10 § 8622. The Governor Robert P. Casey Memorial Organ and Tissue  
11 Donation Awareness Trust Fund.

12 (a) Establishment.--All contributions received by the  
13 Department of Transportation under section 8621 (relating to The  
14 Governor Robert P. Casey Memorial Organ and Tissue Donation  
15 Awareness Trust Fund contributions) and the Department of  
16 Revenue under section 8618 (relating to voluntary contribution  
17 system) and the Department of Health under section 8617  
18 (relating to requests for anatomical gifts) shall be deposited

1 into a special fund in the State Treasury to be known as The  
2 Governor Robert P. Casey Memorial Organ and Tissue Donation  
3 Awareness Trust Fund, which is hereby established.

4 (b) Appropriation.--All moneys deposited in the fund and  
5 interest which accrues from those funds are appropriated on a  
6 continuing basis subject to the approval of the Governor to  
7 compensate the Department of Transportation, the Department of  
8 Health and the Department of Revenue for actual costs related to  
9 implementation of this chapter, including all costs of the Organ  
10 Donation Advisory Committee created in subsection (c). Any  
11 remaining funds are appropriated subject to the approval of the  
12 Governor for the following purposes:

13 (1) 10% of the total fund may be expended annually by  
14 the Department of Health for reasonable hospital and other  
15 medical expenses, funeral expenses and incidental expenses  
16 incurred by the donor or donor's family in connection with  
17 making a vital organ donation. Such expenditures shall not  
18 exceed \$3,000 per donor and shall only be made directly to  
19 the funeral home, hospital or other service provider related  
20 to the donation. No part of the fund shall be transferred  
21 directly to the donor's family, next of kin or estate. The  
22 advisory committee shall develop procedures, including the  
23 development of a pilot program, necessary for effectuating  
24 the purposes of this paragraph.

25 (2) 50% may be expended for grants to certified organ  
26 procurement organizations for the development and  
27 implementation of organ donation awareness programs in this  
28 Commonwealth. The Department of Health shall develop and  
29 administer this grant program, which is hereby established.

30 (3) 15% may be expended by the Department of Health, in

1 cooperation with certified organ procurement organizations,  
2 for the Project-Make-A-Choice program, which shall include  
3 information pamphlets designed by the Department of Health  
4 relating to organ donor awareness and the laws regarding  
5 organ donation, public information and public education about  
6 contributing to the fund when obtaining or renewing a  
7 driver's license and when completing a State individual  
8 income tax return form.

9 (4) 25% may be expended by the Department of Education  
10 for the implementation of organ donation awareness programs  
11 in the secondary schools in this Commonwealth.

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

14 (1) Two representatives of organ procurement  
15 organizations.

16 (2) Two representatives of tissue procurement providers.

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

19 (4) Three representatives of acute care hospitals.

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

21 (6) One representative of eye banks.

22 (7) One representative of federally qualified community  
23 health centers.

24 (8) One representative of the Department of  
25 Transportation.

26 All members shall be appointed by the Governor. Appointments  
27 shall be made in a manner that provides representation of the  
28 northwest, north central, northeast, southwest, south central  
29 and southeast regions of this Commonwealth. Members shall serve  
30 five-year terms. The Governor may reappoint advisory committee

1 members for successive terms. Members of the advisory committee  
2 shall remain in office until a successor is appointed and  
3 qualified. If vacancies occur prior to completion of a term, the  
4 Governor shall appoint another member in accordance with this  
5 subsection to fill the unexpired term. The advisory committee  
6 shall meet at least biannually to review progress in the area of  
7 organ and tissue donation in this Commonwealth, recommend  
8 education and awareness training programs, recommend priorities  
9 in expenditures from the fund and advise the Secretary of Health  
10 on matters relating to administration of the fund. The advisory  
11 committee shall recommend legislation as it deems necessary to  
12 fulfill the purposes of this chapter. The advisory committee  
13 shall submit a report concerning its activities and progress to  
14 the General Assembly within 30 days prior to the expiration of  
15 each legislative session. The Department of Health shall  
16 reimburse members of the advisory committee for all necessary  
17 and reasonable travel and other expenses incurred in the  
18 performance of their duties under this section.

19 (d) Reports.--The Department of Health and the Department of  
20 Education shall submit an annual report to the General Assembly  
21 on expenditures of fund moneys and any progress made in reducing  
22 the number of potential donors who were not identified.

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

27 Section 2. This act shall take effect in 60 days.