



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 180

PRINTERS NO. 1658

PRIME SPONSOR: Greenleaf

COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
General Fund	\$0	\$0
Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund	\$0	See Fiscal Impact

SUMMARY:

Senate Bill 180, Printer's Number 1658 amends Title 20 (Decedents, Estates and Fiduciaries), Chapter 86 (Anatomical Gifts) in order to change various provisions regarding donation of human organs, tissues, eyes, and to create a new subchapter addressing donation of vascularized composite allografts (hands, facial tissue, and limbs).

ANALYSIS:

The sections of Title 20 (Decedents, Estates and Fiduciaries) are amended as follows:

- *Section 305 (Right to dispose of decedent's remains)* is amended to reflect updated and new provisions of applicable law;
- *Section 5471 (Example)* adds clarifying language to examples of documents relating to health care power attorney and health care treatment instructions;

Chapter 86 (Anatomical Gifts)

Subchapter A (General Provisions)

- *Section 8601 (Definitions)* is amended to include new definitions needed to clarify existing law and the new Subchapter D (Hands, Facial tissue, Limbs and other Vascularized Composite Allografts(VCA));

Subchapter B (Express Anatomical Gifts)

- *New Section 8610 (Scope)* is added to clarify the donation of VCA's will be in accordance to Subchapter D;
- *Section 8611 (Persons who may execute anatomical gift)* is further amended to clarify who may give all or any part of his/her body for any purposes specified under section 8612;
- *Section 8612 (Persons who may become donees; purposes for which anatomical gifts may be made)* is amended to clarify who may donate organ or tissue and the criteria for those donations to be made;

- *Section 8613 (Manner of executing anatomical gifts)* is amended by adding a subsection that further clarifies how an anatomical gift may be made, including providing rights and protections for candidates for organ transplants who are disabled;
- *Section 8616 (Rights and duties at death)* is amended to provide clarifications to physicians duties and responsibilities at the time of death;
- *Section 8617 (Requests for anatomical gifts)* removes most of existing law, replacing the language with specific guidelines and procedures for how an anatomical gift is to be made;
- *Section 8619 (Use of driver's license or identification card to indicate organ or tissue donation)* is amended to require the Department of Transportation to provide informational inserts in the renewal of driver's license and identification cards;
- *Section 8621 (Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund contributions)* is amended to allow for various changes, including the requirement that the Department of Transportation will provide a hyperlink on their publicly accessible website to allow for voluntary contributions of at least \$1.00 to the fund;
- *Section 8622 (The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund)* is amended making changes to the uses of appropriated amounts outlined in law and increasing the number of members on the Organ and Tissue Donation Advisory Committee;
- *Section 8623 (Confidentiality requirement)* is amended to clarify provisions relating to individual confidentiality within organ procurement organizations (OPO);
- *Section 8624 (Prohibited activities)* is amended to provide specific instances of prohibited activities of OPO;
- *New Section 8625 (Promotion of organ and tissue donation; Donate Life PA Registry established)* providing for the coordination of the PA Department of Transportation and organ donation database interfaces;
- *New Section 8626 (Facilitation of anatomical gift from decedent whose death is under investigation)* resolves current conflicts presented by existing law between the OPO and the coroner or medical examiner when determining cause of death may have resulted from criminal acts or criminal neglect ;
- *New Section 8626.1 (Notification by coroners and medical examiners to district attorney)* provides guidance relating to certain cases when the coroner or medical examiner must determine cause of death;
- *New Section 8626.2 (Discretionary notification by coroner or medical examiner)* provides guidance relating to certain cases when the coroner or medical examiner may notify an OPO of an individual's death when it occurs outside of a hospital;
- *New Section 8627 (Collaboration among departments and organ procurement organizations)* requires that the Department of Transportation will collaborate with designated OPOs in order to properly implement the Donate Life PA Registry;
- *New Section 8627.1 (Information relative to organ and tissue donation)* requires the Department of Education to develop model organ and tissue donation curriculum in consultation with an OPO within nine months of the effective date;
- *New Section 8628 (Requirements for physician and nurse training relative to organ and tissue donation and recovery)* requires the State Board of Medicine, the State Board of Osteopathic

and the State Board of Nursing to promulgate regulations requiring physicians to complete a two-hour course on organ and tissue donation;

- *New Section 8629 (Department of Transportation)* requires the Secretary of Transportation to establish a Donate Life PA Registry and provide hyperlinks to allow for monetary donations;
- *New Section 8630 (Department of Corrections)* requires the Department of Corrections to work in consultation with an OPO in order to provide information relating to organ and tissue donations to inmates;
- *New Section 8631 (Study of organ procurement organizations)* no later than two years after the effective date, the Legislative Budget and Finance Committee will conduct a study and performance evaluations of expenditures relating to the Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund;
- *New Section 8632 (Relation to Electronic Signatures in Global and National Commerce Act)* clarifying language relating to the electronic Signatures in Global and National Commerce Act (Public Law 106-229 15 U.S.C. §7001 et seq.);
- Repeals of **Subchapter C (Corneal Transplants)**- Sections 8641 (Removal of corneal tissue permitted under certain circumstances) and Section 8642 (Limitation on liability) are repealed; and
- **New Subchapter D (Hands, Facial Tissue, Limbs and Other Vascularized Composite Allografts)** to provide for authorization, procedures and guidance of the donations of vascularized composite allografts. These donations are required to be authorized separately from the donation of organs and tissues.

FISCAL IMPACT:

Adoption of this amendment will have no adverse fiscal impact on Commonwealth funds. Under current law, all deposits made from voluntary contributions collected by the Department of Transportation, Health and Revenue with respect organ and tissue donations are deposited into the Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund. Actual voluntary contributions to the Fund averaged \$787,000 over the last three fiscal years and additional revenue should be received through the hyperlink to Department of Transportation's website when it is operational. These funds are to be used to reimburse agencies for the costs associated with the implementation of all organ and tissue donation statutes; therefore any costs associated with the adoption of this amendment will use funds available in the Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund.

PREPARED BY: Jenny P. Stratton
Ann Bertolino
House Appropriations Committee (R)

DATE: April 18, 2018

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.