

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 180

PRINTER NO. 1678

AMOUNT

\$434,500 - \$1,738,000
Additional Revenue

FUND

Governor Robert P. Casey Memorial Organ and
Tissue Donation Awareness Trust Fund

DATE INTRODUCED

January 15, 2015

PRIME SPONSOR

Senator Greenleaf

DESCRIPTION

Language was amended into the bill in the Senate Judiciary Committee on April 12th to exclude certain individuals from the list of persons that may execute an anatomical gift. They are as follows:

- *A person that the District Attorney considers a suspect or person of interest in causing the disease, illness, injury or condition of the prospective donor;*
- *An individual that is the subject of a protection from abuse (PFA) or any similar order from a court that was issued to the prospective donor; and*
- *An individual that has actually been arrested or detained in connection with the condition of the prospective donor.*

Additionally, the bill emphasizes that coroners and medical examiners have the final authority to deny an organ or tissue recovery.

Finally, the requirement that coroners or medical examiners state specific reasons for denying an organ recovery is eliminated. Before denying the organ or tissue recovery, there is an attendance requirement. The coroner or medical examiner may attend the organ recovery in person, send a designee to the recovery procedure, or else attend by way of audiovisual technology that allows the coroner or medical examiner to view the procedure.

Senate Bill 180, Printer's Number 1678, amends Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes to update and revise the law relating to organ and tissue donations. This legislation extensively revises provisions relating to organ and tissue donations, establishes a comprehensive framework for public education about organ and tissue donations and clarifies the methods for making anatomical donations and updates the law to reflect the best clinical practices to support anatomical donations for transplantations.

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

Additionally, this legislation provides for education about organ and tissue donation in secondary schools, as well as at medical and nursing schools; updates provisions relating to the Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund and the Organ and Tissue Donor Awareness Program (OTDAP); reinforces the priority of transplantation in the law and affirms that anatomical donations must be initially referred to a federally-designated organ procurement agency to ensure the donations are subject to regulatory oversight; and encourages the cooperation of medical examiners and coroners with organ procurement organizations.

Specifically, this legislation does the following:

- Expands the list of individuals who may execute anatomical gifts;
- Provides for the entities to which an anatomical gift may be made and specifies for what purposes an anatomical gift may be made and under what circumstances;
- Defines "document of gift" as a donor card or other record used to make, amend or revoke an anatomical gift;
- Specifies when a document of gift is valid;
- Clarifies when a revocation of gifts takes effect;
- Clarifies that a person making an anatomical gift or a donor's estate shall not be liable for injury or damage which results from the making of an anatomical gift;
- Provides for certain procedures a hospital must use to notify the applicable designated donor procurement organization about an individual whose death is imminent or who has died in the hospital;
- Provides for notification by a coroner or medical examiner;
- Provides for the procedure in which the document of gift is implemented, including a blood or tissue test or minimally invasive examination which is reasonably necessary to evaluate the medical suitability of the part;
- Requires the Department of Transportation to record and store all organ donor designations in the Donate Life PA Registry, regardless of whether a driver's license is issued;
- Increases the contribution to the Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund from \$1 to \$3 that an applicant for a driver's license or vehicle registration may make;
- Directs the Department of Transportation to establish an internet website through which individuals may make contributions;
- Renames the Organ Donation Advisory Committee to Organ and Tissue Donation Advisory Committee;
- Revises the membership of the Organ and Tissue Donation Advisory Committee;
- Provides that the Department of Health shall be the lead Commonwealth agency responsible for promoting organ and tissue donation;
- Establishes a full-time position within the Department of Health for an Organ and Tissue Awareness Program Coordinator;
- Further enumerates the type of activities that procurement organizations and funeral establishments may not do;

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

- Establishes a registry, which is a database, to be maintained by the Department of Transportation for recording donor designations;
- Directs organ procurement organizations to collaborate with the coroner or medical examiner to ensure the preservation of forensic evidence and collection of photographs and specimens;
- Directs the Department of Transportation to collaborate with the organ donation procurement organizations for the ongoing development and implementation of the Donate Life PA Registry;
- Directs the Department of Education, in consultation with the designated organ procurement organizations, to review the Commonwealth's educational curriculum to ensure that information about organ donation is included in the standards for students in grades nine through 12;
- Directs institutions of higher education to provide information on organ donation to their students;
- Directs the State Board of Medicine, the State Board of Osteopathic Medicine and the State Board of Nursing to promulgate regulations providing for physician and nurse training about organ and tissue donation and recovery;
- Addresses what purposes funds in the Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund may be used for; and
- Clarifies that Coroners and law enforcement personnel maintain jurisdiction over crime scenes.

This act shall take effect in 60 days, although the Department of Transportation will have an additional 10 months for implementation.

FISCAL IMPACT:

According to the Governor's Office of the Budget and the Pennsylvania Department of Transportation, enactment of this legislation would cause the department to incur one-time costs of approximately \$281,000 for system changes, equipment upgrades and form updates. This legislation provides for reimbursement of implementation costs and annual operating costs to the department to be made from the Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund.

Enactment of this legislation would have no adverse fiscal impact to the Department of Health or the Department of Education. Additionally, there would be no adverse effect to the General Fund or the Motor License Fund.

During the fiscal year of 2013-14, approximately 869,000 people donated \$1.00 each to the Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund through vehicle registration renewals and driver's licenses and identification cards issuances and renewals. The Governor's Executive Budget for fiscal year 2015-16 estimates the same number of donations during the current fiscal year. This legislation will raise the donation amount from \$1 to \$3. The following chart shows the amounts of revenue that will be generated if the 869,000 donations continue to be made at the rates of 50%, 75% and 100%:

**SENATE APPROPRIATIONS COMMITTEE
FISCAL NOTE**

Percentage of Donations Continuing to be Made:	Number of Donations:	Revenue Generated from Donations:	Additional Revenue Generated from Increase:
100%	869,000	\$2,607,000	\$1,738,000
75%	651,750	\$1,955,250	\$1,086,250
50%	434,500	\$1,303,500	\$434,500