

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** Senate Bill 180

**PRINTER NO.** 923

**AMOUNT**

\$734,000 - \$1,470,000  
Additional Revenue

**FUND**

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

**DATE INTRODUCED**

June 7, 2017

**PRIME SPONSOR**

Senator Greenleaf

**DESCRIPTION AND PURPOSE OF BILL**

Senate Bill 180, Printer’s Number 923, 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, clarifies the methods for making anatomical donations and updates the law to reflect the best clinical practices to support anatomical donations for transplantations.

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;

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- 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;
- 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.

Language was amended into the bill in the Senate Judiciary Committee 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;

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- 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. 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.

Finally, the legislation was amended on the floor to add a new §8632 (Study of organizations) to require the Legislative Budget and Finance Committee to conduct a study and evaluation of the funding of certified organ procurement organizations operating in the Commonwealth. The study shall include an analysis of the following:

- 1) Expenditures which utilize grants from the Department of Health under section 8622(c.1) (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund);
- 2) A breakdown of all sources of income received by each organ procurement organization;
- 3) The percentage of funds used for the following:
  - i. lobbying expenses;
  - ii. number of staff and salary ranges;
  - iii. fundraising activities and amounts raised;
  - iv. funds received from other health or disease related organizations;
  - v. assets, including real estate, as reported on the Federal 990 tax return;
  - vi. auditing requirements or rules utilized by the organization; and
  - vii. information relating to Federal contracts or contracts with other states.

The amendment requires the study to be completed within one year of the effective date of the subsection and that copies be submitted to the following:

- 1) The Public Health and Welfare Committee of the Senate.
- 2) The Judiciary Committee of the Senate.
- 3) The Health Committee of the House of Representatives.
- 4) The Judiciary Committee of the House of Representatives.

The addition of 20 Pa.C.S. §8632 shall take effect in 90 days and the remainder of this act shall take effect in 60 days, although the Department of Transportation will have an additional 10 months for implementation.

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**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.

Costs incurred by the Legislative Budget and Finance Committee to conduct the study and evaluation of the funding of certified organ procurement organizations are expected to be capable of being absorbed within the agency’s existing fiscal resources.

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 2015-16, approximately 776,000 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 2017-18 estimates approximately 735,000 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 776,000 donations continue to be made at the rates of 50%, 75% and 100%:

Percentage of Donations Continuing to be Made:	Number of Donations:	Revenue Generated from Donations:	Additional Revenue Generated from Increase:
100%	735,000	\$2,205,000	\$1,470,000
75%	551,000	\$1,653,000	\$1,102,000
50%	367,000	\$1,101,000	\$734,000