
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 363

Session of
1975

INTRODUCED BY J. B. KELLY III, IRVIS, MEBUS, FINEMAN, LEHR,
SHANE, CRAWFORD, RHODES AND DiCARLO, FEBRUARY 10, 1975

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 10, 1975

AN ACT

1 Defining death.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. (a) A person will be considered medically and
5 legally dead if, in the opinion of a physician, based on
6 ordinary standards of medical practice, there is the absence of
7 spontaneous respiratory and cardiac function and, because of the
8 disease or condition which caused, directly or indirectly, these
9 functions to cease, or because of the passage of time since
10 these functions ceased, attempts at resuscitation are considered
11 hopeless; and, in this event, death will have occurred at the
12 time these functions ceased.

13 (b) A person will be considered medically and legally dead
14 if, in the opinion of a physician, based on ordinary standards
15 of medical practice, there is no spontaneous respiration, no
16 spontaneous or elicitable reflex movement, and there is during
17 24 hours the absence of spontaneous electrical brain function

1 and no evidence of hypothermia or the presence of center nervous
2 system depressants; and if based on ordinary standards of
3 medical practice, during reasonable attempts to either maintain
4 or restore spontaneous circulatory or respiratory function in
5 the absence of aforesaid brain function, it appears that further
6 attempts at resuscitation or supportive maintenance will not
7 succeed, death will have occurred at the time when these
8 conditions first coincide. Death may be pronounced before
9 artificial means of supporting respiratory and circulatory
10 function are terminated.

11 (c) These alternative definitions of death are to be
12 utilized for all purposes in this Commonwealth, including the
13 trials of civil and criminal cases, any laws to the contrary
14 notwithstanding.