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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL  
No. 90

Session of  
1985

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INTRODUCED BY BOOK, HARPER, HERMAN, MERRY, E. Z. TAYLOR,  
McVERRY, DAWIDA, BELARDI, SAURMAN, FLICK, ANGSTADT, HAYES,  
DORR, CLYMER, GLADECK, SEMMEL, ROBBINS, CAWLEY, BOYES, TELEK  
AND MACKOWSKI, JANUARY 23, 1985

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AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 23, 1986

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AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 anatomical gifts.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 8604 of Title 20 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a subsection to read:  
8 § 8604. Manner of executing anatomical gifts.

9 \* \* \*

10 (d.1) Consent not necessary.--Where a donor card evidencing  
11 a gift of the donor's eyes has been validly executed, consent of  
12 the next of kin ANY PERSON DESIGNATED IN SECTION 8602(B) at the <—  
13 time of the donor's death or immediately thereafter is not  
14 necessary to render the gift valid and effective.

15 \* \* \*

16 Section 2. Title 20 is amended by adding a section to read:

1 § 8608. Requests for anatomical gifts.

2 (a) Procedure.--On or before the occurrence of death in an  
3 acute care general hospital, the hospital shall request consent  
4 to a gift of all or any part of the decedent's body for any  
5 purpose specified under this chapter. The request and its  
6 disposition shall be noted in the patient's medical record and  
7 upon the patient's death certificate. Whenever medical criteria  
8 establishes that a body or body part donation would not be  
9 suitable for use, a request need not be made.

10 (b) Limitation.--Where the hospital administrator, or his  
11 designee, has received actual notice of opposition from any of  
12 the persons named in ~~subsection (a)~~ SECTION 8602(B) (RELATING TO <—  
13 PERSONS WHO MAY EXECUTE AN ANATOMICAL GIFT) and the decedent was  
14 not in possession of a validly executed donor card, the gift of  
15 all or any part of the decedent's body shall not be requested.

16 (c) Donor card.--Notwithstanding any provision of law to the  
17 contrary, the intent of a decedent to participate in an organ  
18 donor program as evidenced by the possession of a validly  
19 executed donor card shall not be revoked by any member of any of  
20 the classes specified in ~~subsection (a)~~ SECTION 8602(B). <—

21 (d) Identification of potential donors.--Each acute care  
22 general hospital shall develop, with the concurrence of the  
23 hospital medical staff, a protocol for identifying potential  
24 organ and tissue donors. It shall require that, at or near the  
25 time of notification of death, persons designated under section  
26 8602(a) and (b) ~~(relating to persons who may execute an~~ <—  
27 ~~anatomical gift)~~ be asked whether the deceased was an organ  
28 donor or if the family is a donor family. If not, such persons  
29 shall be informed of the option to donate organs and tissues.  
30 Pursuant to this chapter, the hospital shall then notify an

1 organ and tissue procurement organization and cooperate in the  
2 procurement of the anatomical gift or gifts. The protocol shall  
3 encourage discretion and sensitivity to family circumstances in  
4 all discussions regarding donations of tissue or organs. The  
5 protocol ~~may~~ SHALL take into account the deceased individual's <—  
6 religious beliefs or nonsuitability for organ and tissue  
7 donation. In the event an organ and tissue procurement  
8 organization does not exist in a region, the hospital shall  
9 contact an organ or a tissue procurement organization in an  
10 alternative region.

11 ~~(c) Death certificate. In preparing a certificate of death,~~ <—  
12 ~~the person in charge of interment or of removal of a dead body~~  
13 ~~from the registration district, as provided for in the act of~~  
14 ~~June 29, 1953 (P.L.304, No.66), known as the Vital Statistics~~  
15 ~~Law of 1953, shall obtain certification that a request for~~  
16 ~~consent to an anatomical gift was made; whether or not consent~~  
17 ~~was granted; and the name of the person granting the consent and~~  
18 ~~the person's relationship to the decedent.~~

19 ~~(f)~~ (E) Exemption.--The Department of Health is authorized <—  
20 to issue exemptions to any acute care general hospital it deems  
21 unable to comply with this section.

22 ~~(g)~~ (F) Guidelines.--The Department of Health shall <—  
23 establish guidelines regarding efficient procedures facilitating  
24 the delivery of anatomical gift donations from receiving  
25 hospitals to potential recipients and appropriate training  
26 concerning the manner and conduct of employees making requests  
27 for anatomical gift donations.

28 Section 3. This act shall take effect in 60 days.