

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2512 Session of
2008

INTRODUCED BY CASORIO, BELFANTI, CALTAGIRONE, DALEY, FRANKEL,
FREEMAN, GINGRICH, GODSHALL, GOODMAN, GRUCELA, HESS, KOTIK,
KULA, MANN, O'NEILL, ROCK, SCAVELLO AND SWANGER, MAY 8, 2008

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 8, 2008

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 persons who may execute anatomical gifts, for manner of
4 executing anatomical gifts and for use of driver's license or
5 identification card to indicate anatomical donation.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 8611 of Title 20 of the Pennsylvania
9 Consolidated Statutes is amended by adding a subsection to read:

10 § 8611. Persons who may execute anatomical gift.

11 * * *

12 (f) Predonation and postdonation verification.--

13 (1) A donor, may at any time:

14 (i) Obtain verification from the Department of
15 Transportation of the donor's anatomical donation status
16 or type of donation selected and maintained in the
17 Department of Transportation's driver licensing database.

18 (ii) Change the type of donation selected and
19 maintained in the Department of Transportation's driver

1 licensing database.

2 (2) Any person entitled to donate the anatomy of a
3 decedent may, after the death of the decedent, verify from
4 the Department of Transportation the decedent's anatomical
5 donation status or type and, after the donation, has the
6 right to receive from the organ procurement organization that
7 accepted the donation, verification of which portions of the
8 body were accepted or whether the whole body was accepted.

9 Section 2. Sections 8613(f) and 8619 of Title 20 are amended
10 to read:

11 § 8613. Manner of executing anatomical gifts.

12 * * *

13 (f) Documentation of gifts by others.--

14 (1) Any gift by a person designated in section 8611(b)
15 shall be made by a document signed by [him or made by his
16 telegraphic, recorded telephonic or other recorded message.]
17 the person.

18 (2) For purposes of this subsection, a facsimile
19 signature shall be acceptable.

20 § 8619. Use of driver's license or identification card to
21 indicate [organ or tissue] anatomical donation.

22 (a) General rule.--Beginning as soon as practicable, [but no
23 later than January 1, 1995, or one year following the effective
24 date of this section, whichever is later,] the Department of
25 Transportation shall redesign the driver's license and
26 identification card application system to process requests for
27 information regarding consent of the individual to [organ or
28 tissue] whole-body donation or any combination of the following
29 types: organ, tissue or eye donation. The following question
30 shall be asked:

1 Do you wish to have the [organ] anatomical donor
2 designation printed on your driver's license?
3 Only an affirmative response of an individual shall be noted on
4 the front of the driver's license or identification card and
5 shall clearly indicate the individual's intent to [donate his
6 organs or tissue.] make an anatomical donation. A notation on an
7 individual's driver's license or identification card that he
8 intends to [donate his organs or tissue] make an anatomical
9 donation is deemed sufficient to satisfy all requirements for
10 consent to [organ or tissue donation.] whole-body donation or
11 any combination of the following types: organ, tissue or eye, as
12 applicable.

13 (b) Electronic access.--The organ procurement organizations
14 designated by the Federal Government in the Commonwealth of
15 Pennsylvania as part of the nationwide organ procurement network
16 may be given 24-hour-a-day electronic access to information
17 necessary to confirm an individual's [organ] anatomical donor
18 status through the Department of Transportation's driver
19 licensing database. Necessary information shall include the
20 individual's name, address, date of birth, driver's license
21 number and [organ] anatomical donor status[.], specifying
22 whether the individual intends to make one of the following
23 donations: whole-body or any combination of the following types:
24 organ, tissue or eye. Notwithstanding 75 Pa.C.S. § 6114
25 (relating to limitation on sale, publication and disclosure of
26 records, the Department of Transportation is authorized to
27 provide the organ procurement organizations, after a written
28 agreement between the Department of Transportation and the organ
29 procurement organizations is first obtained, with the foregoing
30 information. The organ procurement organization shall not use

1 such information for any purpose other than to confirm an
2 individual's [organ] anatomical donor status at or near or after
3 an individual's death. The organ procurement organizations shall
4 not be assessed the fee for such information prescribed by 75
5 Pa.C.S. § 1955(a) (relating to information concerning drivers
6 and vehicles).

7 (c) Definitions.--As used in this section, the following
8 words and phrases shall have the meanings given to them in this
9 subsection:

10 "Organ." A heart, lung, liver, kidney, pancreas, small
11 bowel, large bowel or stomach for the purpose of
12 transplantation.

13 "Tissue." A portion of the human body other than an organ or
14 an eye including, but not limited to, bone and bone marrow.

15 Section 3. The amendment of 20 Pa.C.S. § 8619 shall apply to
16 driver's licenses and identification cards issued or renewed by
17 the Department of Transportation 12 months after the effective
18 date of this section.

19 Section 4. This act shall take effect in 60 days.