

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 30 Session of 2013

INTRODUCED BY PETRARCA, CUTLER, CALTAGIRONE, YOUNGBLOOD, DAVIS, SNYDER, MCGEEHAN, MILLARD, HELM, DIGIROLAMO, SCHLOSSBERG, LONGIETTI, PASHINSKI, O'BRIEN, GIBBONS, GINGRICH, MAHONEY, FRANKEL, GILLEN, STURLA, FARRY, DENLINGER, MILNE, KORTZ, MURT, KULA, D. COSTA, COHEN, PYLE, MOLCHANY, SAYLOR, MATZIE, DELISSIO, MULLERY, RAVENSTAHL, M. DALEY, BOBACK, FLYNN, STERN, SABATINA, MAHER, TOOHIL, BROWNLEE, MARKOSEK, REESE, SCAVELLO, STEVENSON, KIM, SIMS, HAHN, BIZZARRO, BARBIN, BRIGGS, K. BOYLE, BURNS, P. COSTA, DeLUCA, P. DALEY, CARROLL, HARHAI, DEASY, BRADFORD, HARKINS, ROEBUCK, CONKLIN, KAVULICH, GOODMAN, MUNDY, KIRKLAND, SAMUELSON, HALUSKA, J. HARRIS, WHITE, VITALI, GERGELY, THOMAS, MIRABITO, EVANKOVICH, PARKER, NEUMAN, O'NEILL, SAINATO, D. MILLER, SCHREIBER, CRUZ, W. KELLER, WATERS, WATSON, GODSHALL, HAGGERTY, FABRIZIO, V. BROWN, KOTIK, GALLOWAY, BLOOM, WHEATLEY, BISHOP, SANTARSIERO, HENNESSEY, KINSEY, DEAN, PAINTER, MCCARTER, NEILSON AND ENGLISH, JUNE 24, 2013

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 24, 2013

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
 2 Pennsylvania Consolidated Statutes, further providing for
 3 definitions, for prospective donors, for prospective donees,
 4 for procedure, for amendment or revocation, for rights and
 5 duties at death, for requests, for identification and
 6 authorization, for the Governor Robert P. Casey Memorial
 7 Organ and Tissue Donation Awareness Trust Fund, for
 8 confidentiality and for prohibitions; providing for promotion
 9 of donations through a registry, for effect on advance health
 10 care directive, for facilitation of gifts during
 11 investigation, for collaboration, for information, for
 12 physician and nurse training, for uniformity and for
 13 electronic signatures; and further providing for corneal
 14 transplants.

15 The General Assembly of the Commonwealth of Pennsylvania
 16 hereby enacts as follows:

1 Section 1. The definitions of "advisory committee," "bank or
2 storage facility," "decedent" and "organ procurement
3 organization" in section 8601 of Title 20 of the Pennsylvania
4 Consolidated Statutes are amended and the section is amended by
5 adding definitions to read:

6 § 8601. Definitions.

7 The following words and phrases when used in this chapter
8 shall have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 * * *

11 "Adult." An individual who is at least 18 years of age.

12 "Advance health care directive." As defined in section 5422
13 (relating to definitions).

14 "Advisory committee." The Organ and Tissue Donation Advisory
15 Committee established under section 8622 (relating to The
16 Governor Robert P. Casey Memorial Organ and Tissue Donation
17 Awareness Trust Fund).

18 "Agent." Any of the following:

19 (1) An individual authorized to make health care
20 decisions on another's behalf under Subchapter C of Chapter
21 54 (relating to health care agents and representatives).

22 (2) An individual expressly authorized to make an
23 anatomical gift on another's behalf by any other record
24 signed by the individual giving the authorization.

25 "Anatomical gift." A donation of all or part of a human body
26 to take effect after the donor's death for the purpose of
27 transplantation, therapy, research or education.

28 ["Bank or storage facility." A facility licensed, accredited
29 or approved under the laws of any state for storage of human
30 bodies or parts thereof.]

1 * * *

2 "Decedent." [A deceased individual, including a stillborn
3 infant or fetus.] A deceased individual whose body or part is or
4 may be the source of an anatomical gift. The term includes a
5 stillborn infant and, subject to restrictions imposed by other
6 laws, a fetus. The term does not include a blastocyst, embryo or
7 fetus that is the subject of an induced abortion.

8 "Document of gift." A donor card or other record used to
9 make, amend or revoke an anatomical gift. The term includes a
10 statement or symbol on a driver's license or identification card
11 or in a donor registry.

12 "Donate Life PA Registry." The registry established in
13 section 8625 (relating to promotion of organ and tissue
14 donation; Donate Life PA Registry established).

15 * * *

16 "Donor registry." A database which contains records of
17 anatomical gifts. The term includes the Donate Life PA Registry.

18 "Eye bank." A person that is licensed, accredited or
19 regulated under Federal or State law to engage in the recovery,
20 screening, testing, processing, storage or distribution of human
21 eyes or portions of human eyes.

22 * * *

23 "Hospital administrator." Any individual appointed by a
24 hospital's governing body to act on its behalf in the overall
25 management of the hospital. The term includes a designee of the
26 individual.

27 "Know." To have actual knowledge. When the word "known" is
28 used as an adjective to modify a term, the meaning is that there
29 is actual knowledge about the modified term.

30 "Minor." An individual who is under 18 years of age.

1 "Organ procurement organization." An organization [that
2 meets the requirements of section 371 of the Public Health
3 Service Act (58 Stat. 682, 42 U.S.C. § 273)] designated for the
4 region by the Secretary of Health and Human Services as an organ
5 procurement organization.

6 * * *

7 "Person authorized or obligated to dispose of a decedent's
8 body." Any of the following, without regard to order of
9 priority:

10 (1) A coroner or medical examiner having jurisdiction
11 over the decedent's body.

12 (2) A warden or director of a correctional facility
13 where the decedent was incarcerated.

14 (3) An administrator or authorized official of a social
15 service agency having a relationship with the decedent.

16 (4) An individual or official of an entity that:

17 (i) is authorized to make decisions with respect to
18 the disposition, transportation, transfer, burial or
19 cremation of a decedent;

20 (ii) is under an obligation to make decisions with
21 respect to the disposition, transportation, transfer,
22 burial or cremation of a decedent; or

23 (iii) voluntarily assumes responsibility for
24 decisions with respect to the disposition,
25 transportation, transfer, burial or cremation of a
26 decedent.

27 * * *

28 "Program coordinator." The Organ and Tissue Donation
29 Awareness Program Coordinator established in section 8622
30 (relating to The Governor Robert P. Casey Memorial Organ and

1 Tissue Donation Awareness Trust Fund).

2 "Prospective donor." A person who is dead or whose death is
3 imminent and has been determined by an organ procurement
4 organization to have a part that could be medically suitable for
5 transplantation, therapy, research or education.

6 "Reasonably available." Able to be contacted by a
7 procurement organization without undue effort and willing and
8 able to act in a timely manner consistent with existing medical
9 criteria necessary to make an anatomical gift.

10 "Recipient." An individual into whose body a decedent's part
11 has been or is intended to be transplanted.

12 "Record." Information that is inscribed on a tangible medium
13 or that is stored in an electronic or other medium and is
14 retrievable in perceivable form.

15 * * *

16 "Tissue bank." A person that is licensed, accredited or
17 regulated under Federal or State law to engage in the recovery,
18 screening, testing, processing, storage or distribution of
19 tissue.

20 * * *

21 Section 2. Sections 8611(a), (b) and (c) of Title 20 are
22 amended and the section is amended by adding a subsection to
23 read:

24 § 8611. Persons who may execute anatomical gift.

25 (a) General rule.--Any individual of sound mind and 18 years
26 of age or more may give all or any part of his body for any
27 purpose specified in section 8612 (relating to persons who may
28 become donees; purposes for which anatomical gifts may be made),
29 the gift to take effect upon death. [Any] An agent [acting under
30 a power of attorney which authorizes the agent to make

1 anatomical gifts] may effectuate a gift for any purpose
2 specified in section 8612. Any individual who is a minor and 16
3 years of age or older may effectuate a gift for any purpose
4 specified in section 8612, provided parental or guardian consent
5 is deemed given. Parental or guardian consent shall be noted on
6 the minor's donor card, application for the donor's learner's
7 permit or driver's license or other document of gift. A gift of
8 the whole body shall be invalid unless made in writing at least
9 15 days prior to the date of death or consent is obtained from
10 the legal next of kin. Where there are adult children of the
11 deceased who are not children of the surviving spouse, their
12 consent shall also be required for a gift of the whole body for
13 anatomical study.

14 (b) [Others entitled] Entitled to donate anatomy of
15 decedent.--Any of the following persons who are reasonably
16 available, in order of priority stated, when persons in prior
17 classes are not reasonably available at the time of death, and
18 in the absence of [actual notice of contrary indications] known
19 objections by the decedent or [actual notice of opposition] by a
20 member of [the same or] a prior class, may give all or any part
21 of the decedent's body for any purpose specified in section
22 8612:

23 [(1) The spouse.

24 (2) An adult son or daughter.

25 (3) Either parent.

26 (4) An adult brother or sister.

27 (5) A guardian of the person of the decedent at the time
28 of his death.

29 (6) Any other person authorized or under obligation to
30 dispose of the body.]

1 (1) An agent of the decedent at the time of death who
2 could have made an anatomical gift under subsection (a).

3 (2) The spouse of the decedent.

4 (3) An adult child of the decedent.

5 (4) A parent of the decedent.

6 (5) An adult sibling of the decedent.

7 (6) A guardian of the person of the decedent.

8 (7) An adult who is related to the decedent by blood,
9 marriage or adoption, including a stepparent, stepchild or
10 stepsibling.

11 (8) A person that exhibited special care and concern for
12 the decedent.

13 (9) A hospital administrator.

14 (10) A person authorized or obligated to dispose of the
15 decedent's body.

16 (b.1) Required to donate anatomy of decedent.--Unless there
17 is a known objection by the decedent, a hospital administrator
18 shall give all or part of the decedent's body for any purpose
19 specified in section 8612.

20 (c) Donee not to accept in certain cases.--[If the]

21 (1) The donee may not accept a gift under any of the
22 following circumstances:

23 (i) The donee [has actual notice of contrary
24 indications] knows of an objection by the decedent [or].

25 (ii) The donee knows that a gift by a member of a
26 class is opposed by a reasonably available member of [the
27 same or] a prior class[, the donee shall not accept the
28 gift].

29 (iii) The donee knows that a gift by a member of a
30 class is opposed by at least 50% of the reasonably

1 available members of the same class.

2 (2) The persons authorized by subsection (b) may make
3 the gift after or immediately before death.

4 * * *

5 Section 2.1. Section 8612 of Title 20 is amended to read:

6 § 8612. Persons who may become donees; purposes for which
7 anatomical gifts may be made.

8 [The following persons may become donees of gifts of bodies
9 or parts thereof for any of the purposes stated:

10 (1) Any hospital, surgeon or physician for medical or
11 dental education, research, advancement of medical or dental
12 science, therapy or transplantation.

13 (2) Any accredited medical or dental school, college or
14 university for education, research, advancement of medical or
15 dental science or therapy.

16 (3) Any bank or storage facility for medical or dental
17 education, research, advancement of medical or dental
18 science, therapy or transplantation.

19 (4) Any specified individual for therapy or
20 transplantation needed by him.

21 (5) The board.]

22 (a) Donees.--An anatomical gift may be made to any of the
23 following persons named in the document of gift:

24 (1) If for research or education, any of the following:

25 (i) A hospital.

26 (ii) An accredited medical school, dental school,
27 college or university.

28 (iii) The board.

29 (iv) An organ procurement organization.

30 (v) Any other appropriate person as authorized by

1 law.

2 (2) Subject to subsection (b), an individual designated
3 by the person making the anatomical gift if the individual is
4 the recipient of the part.

5 (3) An eye bank or tissue bank.

6 (4) An organ procurement organization.

7 (b) Directed donation.--If an anatomical gift to an
8 individual under subsection (a)(2) cannot be transplanted into
9 the individual, the part shall pass in accordance with
10 subsection (c) in the absence of a known objection by the person
11 making the anatomical gift.

12 (c) Organ for transplant or therapy.--An anatomical gift of
13 an organ for transplantation or therapy, other than an
14 anatomical gift under subsection (a)(2), shall pass to the organ
15 procurement organization.

16 (d) Default.--If the intended purpose or recipient of an
17 anatomical gift is not known, the following shall apply:

18 (1) If the part is an eye, the gift shall pass to the
19 appropriate eye bank.

20 (2) If the part is tissue, the gift shall pass to the
21 appropriate tissue bank.

22 (3) If the part is an organ, the gift shall pass to the
23 appropriate organ procurement organization.

24 (4) If the gift is of the decedent's entire body, the
25 gift shall pass to the board.

26 (e) Multiple purposes.--If there is more than one purpose of
27 an anatomical gift set forth in the document of gift but the
28 purposes are not set forth in any priority, the gift shall be
29 used for transplantation or therapy, if suitable, and shall pass
30 to the appropriate organ procurement organization. If the gift

1 cannot be used for transplantation or therapy, the gift may be
2 used for research or education.

3 (f) Unspecified purpose.--If an anatomical gift is made in a
4 document of gift that does not name a person described in
5 subsection (a) and does not identify the purpose of the gift,
6 the gift may be used only for transplantation or therapy, and
7 the gift shall pass in accordance with subsection (d).

8 Section 2.2. Section 8613(b), (d) and (e) of Title 20 are
9 amended and the section is amended by adding subsections to
10 read:

11 § 8613. Manner of executing anatomical gifts.

12 * * *

13 (b) Gifts by other documents.--[A gift of all or part of the
14 body under section 8611(a) may also be made by document other
15 than a will.] An anatomical gift may be made by other document,
16 including by authorizing a statement or symbol indicating that
17 the donor has made an anatomical gift, which shall be recorded
18 in a donor registry or on the donor's driver's license or
19 identification card. The gift becomes effective upon the death
20 of the donor. The document, which may be a card designed to be
21 carried on the person, must be signed by the donor [in the
22 presence of two witnesses who must sign the document in his
23 presence]. If the donor is mentally competent to signify his
24 desire to sign the document but is physically unable to do so,
25 the document may be signed for him by another at his direction
26 and in his presence in the presence of two witnesses who must
27 sign the document in his presence. Delivery of the document of
28 gift during the donor's lifetime is not necessary to make the
29 gift valid. If an anatomical gift is indicated on a driver's
30 license or an identification card, the anatomical gift is not

1 invalidated by revocation, suspension, expiration or
2 cancellation of:

3 (1) the driver's license under 75 Pa.C.S. Ch. 15
4 (relating to licensing of drivers); or

5 (2) the identification card by the Department of
6 Transportation.

7 * * *

8 [(d) Designation of person to carry out procedures.--

9 Notwithstanding section 8616(b) (relating to rights and duties
10 at death), the donor may designate in his will, card or other
11 document of gift the surgeon or physician to carry out the
12 appropriate procedures. In the absence of a designation or if
13 the designee is not available, the donee or other person
14 authorized to accept the gift may employ or authorize any
15 surgeon or physician for the purpose, or, in the case of a gift
16 of eyes, he may employ or authorize a person who is a funeral
17 director licensed by the State Board of Funeral Directors, an
18 eye bank technician or medical student, if the person has
19 successfully completed a course in eye enucleation approved by
20 the State Board of Medical Education and Licensure, or an eye
21 bank technician or medical student trained under a program in
22 the sterile technique for eye enucleation approved by the State
23 Board of Medical Education and Licensure to enucleate eyes for
24 an eye bank for the gift after certification of death by a
25 physician. A qualified funeral director, eye bank technician or
26 medical student acting in accordance with the terms of this
27 subsection shall not have any liability, civil or criminal, for
28 the eye enucleation.]

29 (d.1) Reliance.--A person may rely on a document of gift or
30 amendment thereto as being valid unless that person knows that

1 it was not validly executed or was revoked.

2 (e) Consent not necessary.--[If a donor card, donor driver's
3 license, living will, durable power of attorney or other
4 document of gift evidencing a gift of organs or tissue has been
5 executed,] A donor's gift of all or any part of the individual's
6 body, including a designation on a driver's license or
7 identification card, donor card, advance health care directive,
8 will or other document of gift, may not be revoked by the next-
9 of-kin or other persons identified in section 8611(b). The
10 consent of any person [designated in section 8611(b)] at the
11 time of the donor's death or immediately thereafter is not
12 necessary to render the gift valid and effective.

13 * * *

14 (g) Validity.--A document of gift is valid if executed in
15 accordance with:

16 (1) this chapter;

17 (2) the law of the state or country where it was
18 executed; or

19 (3) the law of the state or country where, at the time
20 of execution of the document of gift, the person making the
21 anatomical gift:

22 (i) is domiciled;

23 (ii) has a place of residence; or

24 (iii) is a citizen.

25 (h) Choice of law.--If a document of gift is valid under
26 this section, the law of this Commonwealth governs
27 interpretation of the document.

28 Section 3. Section 8615 of Title 20 is amended by adding
29 subsections to read:

30 § 8615. Amendment or revocation of gift.

1 * * *

2 (d) Effectiveness of revocation.--A revocation made under
3 this chapter shall take effect if, before an incision has been
4 made to remove a part from the donor's body or before invasive
5 procedures have begun to prepare the recipient, the applicable
6 organ procurement organization, transplant hospital or physician
7 or technician knows of the revocation.

8 (e) Revocation not a refusal.--A revocation made under this
9 chapter shall not be considered a known objection or refusal to
10 make a gift of one's body or a part of one's body nor a
11 prohibition against a person described in section 8611(b)
12 (relating to persons who may execute anatomical gift) making
13 such a gift.

14 Section 4. Sections 8616(b), (c) and (d), 8617, 8619, 8621,
15 8622, 8623 and 8624 of Title 20 are amended to read:

16 § 8616. Rights and duties at death.

17 * * *

18 (b) Physicians.--The time of death shall be determined by a
19 physician who tends the donor at his death or, if none, the
20 physician who certifies the death. [The physician or person who
21 certifies death or any of his professional partners or
22 associates shall not participate in the procedures for removing
23 or transplanting a part.]

24 (c) Certain liability limited.--A person who acts in good
25 faith in accordance with the terms of this subchapter or with
26 the anatomical gift laws of another state or a foreign country
27 is not liable for damages in any civil action or subject to
28 prosecution in any criminal proceeding for his act. Neither a
29 person making an anatomical gift nor a donor's estate shall be
30 liable for injury or damage which results from the making or use

1 of the anatomical gift. In determining whether an anatomical
2 gift has been made, amended or revoked under this chapter, a
3 person may rely upon representations of an individual listed in
4 section 8611(b) relating to the individual's relationship to the
5 donor or prospective donor unless the person knows that the
6 representation is untrue.

7 (d) Law on autopsies applicable.--The provisions of this
8 subchapter are subject to the laws of this Commonwealth
9 prescribing powers and duties with respect to autopsies.
10 Notwithstanding 18 Pa.C.S. Ch. 91 (relating to criminal history
11 record information), an organ procurement organization is
12 authorized to obtain a copy of an autopsy report in a timely
13 fashion upon request and payment of reasonable copying fees.
14 § 8617. Requests for anatomical gifts.

15 [(a) Procedure.--On or before the occurrence of each death
16 in an acute care general hospital, the hospital shall make
17 contact with the regional organ procurement organization in
18 order to determine the suitability for organ, tissue and eye
19 donation for any purpose specified under this subchapter. This
20 contact and the disposition shall be noted on the patient's
21 medical record.

22 (b) Limitation.--If the hospital administrator or his
23 designee has received actual notice of opposition from any of
24 the persons named in section 8611(b) (relating to persons who
25 may execute anatomical gift) and the decedent was not in
26 possession of a validly executed donor card, the gift of all or
27 any part of the decedent's body shall not be requested.

28 (c) Donor card.--Notwithstanding any provision of law to the
29 contrary, the intent of a decedent to participate in an organ
30 donor program as evidenced by the possession of a validly

1 executed donor card, donor driver's license, living will,
2 durable power of attorney or other document of gift shall not be
3 revoked by any member of any of the classes specified in section
4 8611(b).

5 (d) Identification of potential donors.--Each acute care
6 general hospital shall develop within one year of the date of
7 final enactment of this section, with the concurrence of the
8 hospital medical staff, a protocol for identifying potential
9 organ and tissue donors. It shall require that, at or near the
10 time of every individual death, all acute care general hospitals
11 contact by telephone their regional organ procurement
12 organization to determine suitability for organ, tissue and eye
13 donation of the individual in question. The person designated by
14 the acute care general hospital to contact the organ procurement
15 organization shall have the following information available
16 prior to making the contact:

- 17 (1) The patient's identifier number.
- 18 (2) The patient's age.
- 19 (3) The cause of death.
- 20 (4) Any past medical history available.

21 The organ procurement organization, in consultation with the
22 patient's attending physician or his designee, shall determine
23 the suitability for donation. If the organ procurement
24 organization in consultation with the patient's attending
25 physician or his designee determines that donation is not
26 appropriate based on established medical criteria, this shall be
27 noted by hospital personnel on the patient's record, and no
28 further action is necessary. If the organ procurement
29 organization in consultation with the patient's attending
30 physician or his designee determines that the patient is a

1 suitable candidate for anatomical donation, the acute care
2 general hospital shall initiate a request by informing the
3 persons and following the procedure designated under section
4 8611(b) of the option to donate organs, tissues or eyes. The
5 person initiating the request shall be an organ procurement
6 organization representative or a designated requestor. The organ
7 procurement organization representative or designated requestor
8 shall ask persons pursuant to section 8611(b) whether the
9 deceased was an organ donor. If the person designated under
10 section 8611(b) does not know, then this person shall be
11 informed of the option to donate organs and tissues. The
12 protocol shall encourage discretion and sensitivity to family
13 circumstances in all discussions regarding donations of tissue
14 or organs. The protocol shall take into account the deceased
15 individual's religious beliefs or nonsuitability for organ and
16 tissue donation.

17 (e) Tissue procurement.--

18 (1) The first priority use for all tissue shall be
19 transplantation.

20 (2) Upon Department of Health approval of guidelines
21 pursuant to subsection (f)(1)(ii), all acute care general
22 hospitals shall select at least one tissue procurement
23 provider. A hospital shall notify the regional organ
24 procurement organization of its choice of tissue procurement
25 providers. If a hospital chooses more than one tissue
26 procurement provider, it may specify a rotation of referrals
27 by the organ procurement organization to the designated
28 tissue procurement providers.

29 (3) Until the Department of Health has approved
30 guidelines pursuant to subsection (f)(1)(ii), tissue

1 referrals at each hospital shall be rotated in a proportion
2 equal to the average rate of donors recovered among the
3 tissue procurement providers at that hospital during the two-
4 year period ending August 31, 1994.

5 (4) The regional organ procurement organization, with
6 the assistance of tissue procurement providers, shall submit
7 an annual report to the General Assembly on the following:

8 (i) The number of tissue donors.

9 (ii) The number of tissue procurements for
10 transplantation.

11 (iii) The number of tissue procurements recovered
12 for research by each tissue procurement provider
13 operating in this Commonwealth.

14 (f) Guidelines.--

15 (1) The Department of Health, in consultation with organ
16 procurement organizations, tissue procurement providers and
17 the Hospital Association of Pennsylvania, donor recipients
18 and family appointed pursuant to section 8622(c)(3) (relating
19 to The Governor Robert P. Casey Memorial Organ and Tissue
20 Donation Awareness Trust Fund) shall, within six months of
21 the effective date of this chapter, do all of the following:

22 (i) Establish guidelines regarding efficient
23 procedures facilitating the delivery of anatomical gift
24 donations from receiving hospitals to procurement
25 providers.

26 (ii) Develop guidelines to assist hospitals in the
27 selection and designation of tissue procurement
28 providers.

29 (2) Each organ procurement organization and each tissue
30 procurement provider operating within this Commonwealth

1 shall, within six months of the effective date of this
2 chapter, file with the Department of Health, for public
3 review, its operating protocols.]

4 (a) Procedure.--

5 (1) A hospital located in this Commonwealth shall notify
6 the applicable designated organ procurement organization or a
7 third party designated by that organization of an individual
8 whose death is imminent or who has died in the hospital.
9 Notification shall be made in a timely manner to ensure that
10 examination, evaluation and ascertainment of donor status as
11 set forth in subsection (d) can be completed within a time
12 frame compatible with the donation of organs and tissues for
13 transplant. The notification shall be made without regard to
14 whether the person has executed an advance directive for
15 health care.

16 (2) The following shall apply to coroners and medical
17 examiners:

18 (i) Except as set forth in subparagraph (ii), a
19 coroner or medical examiner shall notify the applicable
20 designated organ procurement organization of a person's
21 death in accordance with a mutually agreed-upon protocol.
22 Notification shall be made in a timely manner to ensure
23 that examination, evaluation and ascertainment of donor
24 status as set forth in subsection (d) can be completed
25 within a time frame compatible with the recovery of
26 tissues for transplant.

27 (ii) Notification under this paragraph shall not be
28 made if:

29 (A) the decedent was admitted to the hospital at
30 or around the time of death; or

1 (B) the notification to the coroner or medical
2 examiner occurred more than 18 hours following the
3 estimated time of the decedent's death.

4 (b) Referrals.--If an organ procurement organization
5 receives a referral of an individual whose death is imminent or
6 who has died, the organ procurement organization shall make a
7 reasonable search of the records of the Donate Life PA Registry
8 or the applicable State donor registry that it knows exists for
9 the geographic area in which the individual resided or resides
10 in order to ascertain whether the individual has made an
11 anatomical gift.

12 (c) Document of gift.--

13 (1) If the referred patient has a document of gift,
14 including registration with the Donate Life PA Registry, the
15 procurement organization representative or the designated
16 requestor shall attempt to notify a person listed in section
17 8611(b) (relating to persons who may execute anatomical gift)
18 of the gift.

19 (2) If no document of gift is known to the procurement
20 organization representative or the designated requestor, one
21 of these two individuals shall ask the persons listed in
22 section 8611(b) whether the decedent had a validly executed
23 document of gift. If there is no evidence of an anatomical
24 gift by the decedent, the procurement organization
25 representative or the designated requestor shall notify a
26 person listed in section 8611(b) of the option to donate
27 organs and tissues.

28 (3) The hospital administrator or that person's
29 designated representative shall indicate in the medical
30 record of the decedent:

1 (i) whether or not a document of gift is known to
2 exist or whether a gift was made; and

3 (ii) the name of the person granting or refusing the
4 gift and that person's relationship to the decedent.

5 (d) Testing.--

6 (1) This subsection shall apply if:

7 (i) a hospital refers an individual who is dead or
8 whose death is imminent to an organ procurement
9 organization; and

10 (ii) the organ procurement organization determines,
11 based upon a medical record review, that the individual
12 may be a prospective donor.

13 (2) If the requirements of paragraph (1) are met, the
14 following shall apply:

15 (i) The organ procurement organization may conduct a
16 blood or tissue test or minimally invasive examination
17 which is reasonably necessary to evaluate the medical
18 suitability of a part that is or may be the subject of an
19 anatomical gift. Specific consent to testing or
20 examination under this subparagraph shall not be
21 required. The results of tests and examinations under
22 this subparagraph shall be used or disclosed only:

23 (A) to evaluate medical suitability for donation
24 and to facilitate the donation process; and

25 (B) as required or permitted by law.

26 (ii) The hospital may not withdraw or withhold any
27 measures which are necessary to maintain the medical
28 suitability of the part until the organ procurement
29 organization has:

30 (A) had the opportunity to advise the applicable

1 persons as set forth in section 8611(b) of the option
2 to make an anatomical gift and has received or been
3 denied authorization to proceed with recovery of the
4 part; or

5 (B) has ascertained that the individual
6 expressed a known objection.

7 (e) Testing after death.--After a donor's death, a person to
8 whom an anatomical gift may pass under section 8612 (relating to
9 persons who may become donees; purposes for which anatomical
10 gifts may be made) may conduct a test or examination which is
11 reasonably necessary to evaluate the medical suitability of the
12 body or part for its intended purpose.

13 (f) Scope.--An examination conducted under this section may
14 include copying of records necessary to determine the medical
15 suitability of the body or part. This subsection includes
16 medical, dental and other health-related records.

17 (f.1) Recipients.--

18 (1) Subject to the provisions of this chapter, the
19 rights of the person to whom a part passes under section 8612
20 shall be superior to the rights of all others with respect to
21 the part. The person may accept or reject an anatomical gift
22 in whole or in part.

23 (2) Subject to the terms of the document of gift and
24 this chapter, a person that accepts an anatomical gift of an
25 entire body may allow embalming, burial or cremation and the
26 use of remains in a funeral service. If the gift is of a
27 part, the person to whom the part passes under section 8612,
28 upon the death of the donor and before embalming, burial or
29 cremation, shall cause the part to be removed without
30 unnecessary mutilation.

1 (f.2) Physicians.--

2 (1) Neither the physician who attends the decedent at
3 death nor the physician who determines the time of the
4 decedent's death may participate in the procedures for
5 removing or transplanting a part from the decedent.

6 (2) Subject to paragraph (1), a physician or technician
7 may remove a donated part from the body of a donor that the
8 physician or technician is qualified to remove.

9 (f.3) Coordination of procurement and use.--

10 (1) A hospital shall enter into agreements or
11 affiliations with organ procurement organizations for
12 coordination of procurement and use of anatomical gifts.

13 (2) A person, including a coroner or medical examiner,
14 that seeks to facilitate the making of an anatomical gift for
15 the purposes of transplantation or therapy from a decedent
16 who was not a hospital patient at the time of death shall
17 notify the applicable designated organ procurement
18 organization at or around the time of the person's death in
19 order to allow that organization to evaluate the potential
20 donation and, if applicable, coordinate the donation process.

21 (g) Death record review.--

22 (1) The Department of Health shall make annual death
23 record reviews at acute care general hospitals to determine
24 their compliance with subsection (d).

25 (2) To conduct a review of an acute care general
26 hospital, the following apply:

27 (i) The [Department of Health] department shall
28 select to carry out the review the Commonwealth-licensed
29 organ procurement organization designated by the [Health
30 Care Financing Administration] Centers for Medicare and

1 Medicaid Services for the region within which the acute
2 care general hospital is located. For an organ
3 procurement organization to be selected under this
4 subparagraph, the organization must not operate nor have
5 an ownership interest in an entity which provides all of
6 the functions of a tissue procurement provider.

7 (ii) If there is no valid selection under
8 subparagraph (i) or if the organization selected under
9 subparagraph (i) is unwilling to carry out the review,
10 the department shall select to carry out the review any
11 other Commonwealth-licensed organ procurement
12 organization. For an organ procurement organization to be
13 selected under this subparagraph, the organization must
14 not operate nor have an ownership interest in an entity
15 which provides all of the functions of a tissue
16 procurement provider.

17 (iii) If there is no valid selection under
18 subparagraph (ii) or if the organization selected under
19 subparagraph (ii) is unwilling to carry out the review,
20 the department shall carry out the review using trained
21 department personnel.

22 (3) There shall be no cost assessed against a hospital
23 for a review under this subsection.

24 (4) If the department finds, on the basis of a review
25 under this subsection, that a hospital is not in compliance
26 with subsection (d), the department may impose an
27 administrative fine of up to \$500 for each instance of
28 noncompliance. A fine under this paragraph is subject to 2
29 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of
30 Commonwealth agencies) and Ch. 7 Subch. A (relating to

1 judicial review of Commonwealth agency action). Fines
2 collected under this paragraph shall be deposited into the
3 fund.

4 (5) An organ procurement organization may, upon request
5 and payment of associated fees, obtain certified copies of
6 death records of a donor from the Division of Vital Records
7 of the department.

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

11 "Designated requestor." A hospital employee completing a
12 course offered by [an] a designated organ procurement
13 organization on how to approach potential donor families and
14 request organ or tissue donation.

15 "Noncompliance." Any failure on the part of a hospital to
16 contact an organ procurement organization as required under
17 subsection (d).

18 § 8619. Use of driver's license or identification card to
19 indicate organ or tissue donation.

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

27 Do you wish to have the organ donor designation printed
28 on your driver's license?

29 Only an affirmative response of an individual shall be noted on
30 the front of the driver's license or identification card and

1 shall clearly indicate the individual's intent to donate his
2 organs or tissue. A notation on an individual's driver's license
3 or identification card that he intends to donate his organs or
4 tissue is deemed sufficient to satisfy all requirements for
5 consent to organ or tissue donation. The department shall record
6 and store all organ donor designations in the Donate Life PA
7 Registry, regardless of whether a driver's license or
8 identification card is issued. The recorded and stored
9 designation is sufficient to satisfy all requirements for
10 consent to organ and tissue donation.

11 (b) Electronic access.--The organ procurement organizations
12 designated by the Federal Government in the Commonwealth of
13 Pennsylvania as part of the nationwide organ procurement network
14 [may] shall be given 24-hour-a-day electronic access to
15 information necessary to confirm an individual's organ donor
16 status through the Department of Transportation's driver
17 licensing database. Necessary information shall include the
18 individual's name, address, date of birth, driver's license
19 number and organ donor status. Notwithstanding 75 Pa.C.S. § 6114
20 (relating to limitation on sale, publication and disclosure of
21 records), the Department of Transportation is authorized to
22 provide the organ procurement organizations, after a written
23 agreement between the Department of Transportation and the organ
24 procurement organizations is first obtained, with the foregoing
25 information. The organ procurement organization shall not use
26 such information for any purpose other than to confirm an
27 individual's organ donor status at or near or after an
28 individual's death. The organ procurement organizations shall
29 not be assessed the fee for such information prescribed by 75
30 Pa.C.S. § 1955(a) (relating to information concerning drivers

1 and vehicles).

2 § 8621. The Governor Robert P. Casey Memorial Organ and Tissue
3 Donation Awareness Trust Fund contributions.

4 (a) Driver's license.--Beginning as soon as practicable, but
5 no later than [January 1, 1995] July 1, 2013, the Department of
6 Transportation shall provide an applicant for an original or
7 renewal driver's license or identification card the opportunity
8 to make a contribution of [\$1] \$2 to the fund. The contribution
9 shall be added to the regular fee for an original or renewal
10 driver's license or identification card. One contribution may be
11 made for each issuance or renewal of a license or identification
12 card. Contributions shall be used exclusively for the purposes
13 set out in section 8622 (relating to The Governor Robert P.
14 Casey Memorial Organ and Tissue Donation Awareness Trust Fund).
15 The Department of Transportation shall monthly determine the
16 total amount designated under this section and shall report that
17 amount to the State Treasurer, who shall transfer that amount to
18 The Governor Robert P. Casey Memorial Organ and Tissue Donation
19 Awareness Trust Fund.

20 (b) Vehicle registration.--The Department of Transportation
21 shall provide an applicant for a renewal vehicle registration
22 the opportunity to make a contribution of [\$1] \$2 to The
23 Governor Robert P. Casey Memorial Organ and Tissue Donation
24 Awareness Trust Fund. The contribution shall be added to the
25 regular fee for a renewal of a vehicle registration. One
26 contribution may be made for each renewal vehicle registration.
27 Contributions shall be used exclusively for the purposes
28 described in section 8622. The Department of Transportation
29 shall monthly determine the total amount designated under this
30 section and shall report that amount to the State Treasurer, who

1 shall transfer that amount to The Governor Robert P. Casey
2 Memorial Organ and Tissue Donation Awareness Trust Fund. The
3 Governor Robert P. Casey Memorial Organ and Tissue Donation
4 Awareness Trust Fund shall reimburse the department for the
5 initial costs incurred in the development and implementation of
6 the contribution program under this subsection in an amount of
7 not more than \$375,000. The General Fund shall reimburse the
8 Department of Transportation for the actual annual operating
9 costs of the program for vehicle registrations as described in
10 this subsection [subject to the following limits: For the first
11 fiscal year during which this subsection is effective, the
12 General Fund shall reimburse the Department of Transportation
13 for the actual operating costs of the program in this subsection
14 up to a maximum of \$100,000]. For each fiscal year thereafter,
15 the General Fund shall reimburse the Department of
16 Transportation for the actual operating costs of the program in
17 this subsection in an amount not to exceed the prior year's
18 actual operating costs on a full fiscal year basis plus 3%. The
19 amounts approved by the Governor as necessary are hereby
20 appropriated from the General Fund for this purpose.

21 (c) Internet website.--Within one year of the effective date
22 of this subsection, the official Internet website of the
23 department shall provide links through which individuals may
24 make voluntary contributions of at least \$1 to the fund,
25 electronically and by paper. The links shall be provided at
26 least in connection with the issuance of driver's licenses,
27 personal identification cards and registration of motor
28 vehicles.

29 § 8622. The Governor Robert P. Casey Memorial Organ and Tissue
30 Donation Awareness Trust Fund.

1 (a) Establishment.--All contributions received by the
2 Department of Transportation under section 8621 (relating to The
3 Governor Robert P. Casey Memorial Organ and Tissue Donation
4 Awareness Trust Fund contributions) [and the Department of
5 Revenue under section 8618 (relating to voluntary contribution
6 system)] and the Department of Health under section 8617
7 (relating to requests for anatomical gifts) shall be deposited
8 into a special fund in the State Treasury to be known as The
9 Governor Robert P. Casey Memorial Organ and Tissue Donation
10 Awareness Trust Fund, which is hereby established.

11 (b) Appropriation.--All moneys deposited in the fund and
12 interest which accrues from those funds are appropriated on a
13 continuing basis subject to the approval of the Governor to
14 compensate the Department of Transportation, the Department of
15 Health and the Department of Revenue for actual costs related to
16 implementation of this chapter, including all costs of the Organ
17 and Tissue Donation Advisory Committee created in subsection
18 (c). Any remaining funds are appropriated subject to the
19 approval of the Governor for the following purposes:

20 (1) [10%] Ten percent of the total fund may be expended
21 annually by the Department of Health for reasonable hospital
22 and other medical expenses, funeral expenses and incidental
23 expenses incurred by the donor or donor's family in
24 connection with making [a vital organ donation] an organ or
25 tissue donation, along with programming, to provide support
26 services to organ and tissue donors and their families, such
27 as bereavement counseling services. Such expenditures shall
28 not exceed \$3,000 per donor and shall only be made directly
29 to the funeral home, hospital or other service provider
30 related to the donation. No part of the fund shall be

1 transferred directly to the donor's family, next of kin or
2 estate. The advisory committee shall develop procedures,
3 including the development of a pilot program, necessary for
4 effectuating the purposes of this paragraph.

5 (2) [50%] Fifty percent may be expended for grants to
6 certified organ procurement organizations for the development
7 and implementation of organ donation awareness programs in
8 this Commonwealth. The Department of Health shall develop and
9 administer this grant program, which is hereby established.

10 (3) [15%] Fifteen percent may be expended by the
11 Department of Health, in cooperation with certified organ
12 procurement organizations, for the Project-Make-A-Choice
13 program, which shall include information pamphlets designed
14 by the Department of Health relating to organ donor awareness
15 and the laws regarding organ donation, public information and
16 public education about contributing to the fund when
17 obtaining or renewing a driver's license and when completing
18 a State individual income tax return form.

19 (4) [25%] Twenty-five percent may be expended by the
20 Department of Education for the implementation of organ
21 donation awareness programs in the secondary schools in this
22 Commonwealth.

23 [(c) Advisory committee.--The Organ Donation Advisory
24 Committee is hereby established, with membership as follows:

25 (1) Two representatives of organ procurement
26 organizations.

27 (2) Two representatives of tissue procurement providers.

28 (3) Six members representative of organ, tissue and eye
29 recipients, families of recipients and families of donors.

30 (4) Three representatives of acute care hospitals.

1 (5) One representative of the Department of Health.

2 (6) One representative of eye banks.

3 All members shall be appointed by the Governor. Appointments
4 shall be made in a manner that provides representation of the
5 northwest, north central, northeast, southwest, south central
6 and southeast regions of this Commonwealth. Members shall serve
7 five-year terms. The Governor may reappoint advisory committee
8 members for successive terms. Members of the advisory committee
9 shall remain in office until a successor is appointed and
10 qualified. If vacancies occur prior to completion of a term, the
11 Governor shall appoint another member in accordance with this
12 subsection to fill the unexpired term. The advisory committee
13 shall meet at least biannually to review progress in the area of
14 organ and tissue donation in this Commonwealth, recommend
15 education and awareness training programs, recommend priorities
16 in expenditures from the fund and advise the Secretary of Health
17 on matters relating to administration of the fund. The advisory
18 committee shall recommend legislation as it deems necessary to
19 fulfill the purposes of this chapter. The advisory committee
20 shall submit a report concerning its activities and progress to
21 the General Assembly within 30 days prior to the expiration of
22 each legislative session. The Department of Health shall
23 reimburse members of the advisory committee for all necessary
24 and reasonable travel and other expenses incurred in the
25 performance of their duties under this section.]

26 (c) Advisory committee.--

27 (1) The Organ and Tissue Donation Advisory Committee is
28 established. Membership shall be as follows:

29 (i) The Secretary of Education or a designee.

30 (ii) The Secretary of Health or a designee.

1 (iii) The Secretary of Transportation or a designee.

2 (iv) One representative from each designated organ
3 procurement organization.

4 (v) Two representatives of tissue procurement
5 providers.

6 (vi) Six members representative of:

7 (A) organ, tissue and eye recipients;

8 (B) families of recipients;

9 (C) donors; and

10 (D) families of donors.

11 (vii) Two representatives of acute care hospitals
12 which are:

13 (A) licensed in this Commonwealth; and

14 (B) members of the Statewide association
15 representing the interests of hospitals throughout
16 this Commonwealth.

17 (viii) One representative of eye banks.

18 (ix) One representative of community health
19 organizations.

20 (2) A member under paragraph (1)(i), (ii) and (iii)
21 shall serve ex officio.

22 (3) For a member under paragraph (1)(iv), (v), (vi),
23 (vii), (viii) and (ix), the following apply:

24 (i) Members shall be appointed in a manner which
25 reflects geographic diversity. Input on the selection of
26 the representatives under paragraph (1)(vii) shall be
27 sought from the Statewide association referred to in
28 paragraph (1)(vii)(B).

29 (ii) The members shall serve five-year terms.

30 (iii) The Governor may reappoint an advisory

1 committee member for successive terms.

2 (iv) A member shall remain in office until a
3 successor is appointed and qualified.

4 (v) If a vacancy occurs prior to completion of a
5 term, the Governor shall appoint a member to fill the
6 unexpired term in the same manner as the vacating member
7 was appointed.

8 (4) The advisory committee shall meet at least
9 biannually to do all of the following:

10 (i) Review progress in the area of organ and tissue
11 donation in this Commonwealth.

12 (ii) Recommend education and awareness training
13 programs.

14 (iii) Recommend priorities in expenditures from the
15 fund.

16 (iv) Advise the Secretary of Health on matters
17 relating to administration of the fund.

18 (v) Recommend legislation as necessary to fulfill
19 the purposes of this chapter.

20 (5) The advisory committee shall submit a report
21 concerning its activities and progress to the Secretary of
22 the Senate and the Chief Clerk of the House of
23 Representatives by October 31 of each even-numbered year.

24 (6) The Department of Health shall reimburse members of
25 the advisory committee only for necessary and reasonable
26 travel and other expenses incurred in the performance of
27 their duties under this subsection.

28 (d) Reports.--The Department of Health, the Department of
29 Transportation and the Department of Education shall submit an
30 annual report to the General Assembly on expenditures of fund

1 moneys and any progress made in [reducing the number of
2 potential donors who were not identified] increasing the number
3 of donor designations.

4 [(e) Definition.--As used in this section, the term "vital
5 organ" means a heart, lung, liver, kidney, pancreas, small
6 bowel, large bowel or stomach for the purpose of
7 transplantation.]

8 (f) Lead Commonwealth agency.--

9 (1) The Department of Health shall be the lead
10 Commonwealth agency responsible for promoting organ and
11 tissue donation in this Commonwealth and shall coordinate
12 activities among other collaborating Commonwealth agencies.

13 (2) Within the Department of Health there is established
14 a full-time position of Organ and Tissue Donation Awareness
15 Program Coordinator.

16 (i) The Department of Health shall be reimbursed by
17 The Governor Robert P. Casey Memorial Organ and Tissue
18 Donation Awareness Trust Fund for the actual cost of the
19 program coordinator position.

20 (ii) The program coordinator has the following
21 powers and duties:

22 (A) Assist in administration of the fund.

23 (B) Serve as a full-time liaison to the advisory
24 committee and assist the advisory committee in
25 program development, projects, funding proposals and
26 priorities.

27 (C) Serve as liaison with other Commonwealth
28 agencies. This clause shall include working with the
29 Department of Transportation to ensure that driver's
30 license centers promote organ and tissue donation and

1 comply with agreed-upon arrangements to display
2 information and materials.

3 (D) Assist designated organ procurement
4 organizations in their collaborations with other
5 Commonwealth agencies.

6 § 8623. Confidentiality requirement.

7 The identity of the donor and of the recipient may not be
8 communicated unless expressly authorized by [the recipient and
9 next of kin of the decedent.]:

10 (1) the recipient; and

11 (2) if the donor is alive, the donor, or if the donor is
12 deceased, the next of kin of the donor.

13 § 8624. Prohibited activities.

14 [(a) Affiliates.--No organ procurement organization selected
15 by the Department of Health under section 8617(g) (relating to
16 requests for anatomical gifts) to conduct annual death reviews
17 may use that review authority or any powers or privileges
18 granted thereby to coerce or attempt to coerce a hospital to
19 select the organization or any tissue procurement provider
20 contractually affiliated with the organization as a designated
21 tissue procurement provider under section 8617(e).

22 (b) Unfair acts.--No organ procurement organization or
23 tissue procurement provider may disparage the services or
24 business of other procurement providers by false or misleading
25 representations of fact, engage in any other fraudulent conduct
26 to influence the selection by a hospital of a qualified tissue
27 procurement provider nor engage in unlawful competition or
28 discrimination. This subsection is not intended to restrict or
29 preclude any organ procurement organization or tissue
30 procurement provider from marketing or promoting its services in

1 the normal course of business.]

2 (a) Procurement organizations.--

3 (1) A procurement organization shall not do any of the
4 following:

5 (i) Disparage the services or business of another
6 procurement organization by false or misleading
7 representations of fact.

8 (ii) Engage in fraudulent conduct to influence the
9 selection by a hospital of a tissue bank or eye bank.

10 (iii) Engage in unlawful competition or
11 discrimination.

12 (2) This subsection is not intended to restrict or
13 preclude an organ procurement organization from marketing or
14 promoting its services in the normal course of business.

15 (b) Funeral establishments.--

16 (1) Except as set forth in paragraph (2), a funeral
17 director or a funeral establishment shall not:

18 (i) remove body parts from a corpse;

19 (ii) permit others to remove body parts from a
20 corpse; or

21 (iii) use funeral establishment facilities to remove
22 body parts from a corpse.

23 (2) Paragraph (1) shall not apply as follows:

24 (i) Removal is permissible if it is:

25 (A) necessary to perform embalming or other
26 services in preparation for burial or cremation; and

27 (B) authorized in writing by a family member,
28 guardian or other person responsible for disposition
29 of the body.

30 (ii) Notwithstanding any other provision of law, if

1 a donation is authorized under this chapter, a designated
2 organ procurement organization and a Pennsylvania
3 nonprofit eye bank accredited by the Eye Bank Association
4 of America may recover donated ocular tissue, including
5 the whole eye, cornea and sclera, and associated blood
6 specimens at a funeral establishment.

7 (3) If a funeral director is notified by a person
8 authorized to make donations under this chapter that the
9 person wishes to donate body parts from a corpse within the
10 funeral director's custody, the funeral director shall
11 immediately notify the organ procurement organization
12 designated to serve that region.

13 Section 5. Title 20 is amended by adding sections to read:

14 § 8625. Promotion of organ and tissue donation; Donate Life PA
15 Registry established.

16 (a) Promotion.--The Department of Transportation shall
17 ensure access by residents of this Commonwealth to an Internet-
18 based interface which promotes organ and tissue donation and
19 enables residents 18 years of age or older who hold a
20 Pennsylvania driver's license or identification card to register
21 as donors and have their decisions immediately integrated into
22 the current database maintained by the department. The database
23 shall include only affirmative donation decisions.

24 (b) Paper form.--

25 (1) Within one year of the effective date of this
26 section, the department shall establish a system which allows
27 individuals who have been issued a driver's license or
28 identification card to add their donor designation to the
29 Donate Life PA Registry by submitting a form to the
30 department.

1 (2) Registration shall be provided at no cost to the
2 registrant.

3 (c) Donate Life PA Registry; name.--The database maintained
4 by the department for recording donor designations and Internet-
5 based interface established in this section shall be known as
6 the Donate Life PA Registry.

7 (d) Form and content.--The form and content of the Internet-
8 based interface shall be maintained in collaboration with the
9 designated organ procurement organizations.

10 (e) Effect.--

11 (1) Donor information entered into the Donate Life PA
12 Registry shall supersede prior conflicting information:

13 (i) provided to the Donate Life PA Registry;

14 (ii) on the individual's physical driver's license
15 or identification card;

16 (iii) on an advance health care directive;

17 (iv) submitted under section 8611 (relating to
18 persons who may execute anatomical gift); or

19 (v) submitted under any other statutory provision.

20 (2) Registration by a donor shall constitute sufficient
21 authorization to donate organs and tissues for
22 transplantation and therapy. Authorization of another person
23 shall not be necessary to effectuate the anatomical gift.

24 (f) Technology.--An information technology system adopted by
25 the Department of Transportation after the effective date of
26 this section shall continue to accommodate the inclusion of
27 donor designation information into the database and the ongoing
28 operation of the Donate Life PA Registry.

29 § 8626. Effect of anatomical gift on advance health care
30 directive.

1 (a) Scope.--This section shall apply if a hospital patient
2 who is a prospective donor has executed an advance health care
3 directive or otherwise specified by record the circumstances
4 under which the patient would want life support withheld or
5 withdrawn, and the terms of the advance health care directive or
6 other record are in conflict with the option of making an
7 anatomical gift by precluding the administration of measures
8 necessary to ensure the medical suitability of a part for
9 transplantation or therapy.

10 (b) Requirements.--If the patient is incapable of resolving
11 the conflict, any of the following shall act for the patient to
12 resolve the conflict:

13 (1) The patient's agent.

14 (2) If no agent has been designated by the patient or if
15 the agent is not reasonably available, a person authorized by
16 law other than this chapter to make decisions on behalf of
17 the patient with regard to the patient's health care.

18 (c) Resolution.--The parties specified in subsection (b)
19 shall seek to resolve the conflict as expeditiously as possible.
20 Information relevant to the resolution of the conflict shall be
21 obtained from the appropriate organ procurement organization and
22 any other person authorized to make an anatomical gift for the
23 patient under section 8611 (relating to persons who may execute
24 anatomical gift). If the parties cannot resolve the conflict,
25 the patient's donor designation or an anatomical gift by a
26 person authorized under section 8611 shall control the
27 administration of measures necessary to ensure the medical
28 suitability of a part for transplantation or therapy.

29 (d) Measures.--Measures necessary to ensure the medical
30 suitability of the part shall not be withheld or withdrawn from

1 the patient prior to resolution of the conflict.

2 § 8627. Facilitation of anatomical gift from decedent whose
3 death is under investigation.

4 (a) Request by procurement organization.--Organ procurement
5 organizations shall in all cases collaborate with the coroner or
6 medical examiner to ensure the preservation of forensic evidence
7 and collection of photographs and specimens. Notwithstanding the
8 provisions set forth in 18 Pa.C.S. Ch. 91 (relating to criminal
9 history record information), a coroner or medical examiner
10 shall, upon request, release to the organ procurement
11 organization the name, contact information and available medical
12 and social history of a decedent whose death is under
13 investigation. The coroner or medical examiner may permit the
14 removal of an anatomical gift authorized under section 8611
15 (relating to persons who may execute anatomical gift) from a
16 decedent who died under circumstances requiring an
17 investigation.

18 (b) Collaboration.--If a coroner or medical examiner is
19 considering withholding one or more organs of a potential donor
20 for any reason, the coroner or medical examiner or his or her
21 designee shall, upon request of the organ procurement
22 organization, be present during the procedure to remove the
23 organs. The coroner or medical examiner or his or her designee
24 may request a biopsy of those organs or deny removal of the
25 organs if necessary. If the coroner or medical examiner or his
26 or her designee denies removal of the organs, the coroner or
27 medical examiner shall explain in writing the reasons for
28 determining that those organs may be involved in the cause of
29 death and the basis for denying recovery of the organ.

30 (c) Report.--If requested by the coroner or medical

1 examiner, the physician or technician recovering a part under
2 this section shall provide a report detailing the condition of
3 the part. If appropriate, the report shall include a biopsy,
4 photographs or medically approved sample from the part. The
5 designated organ procurement organization shall reimburse the
6 coroner or medical examiner for the reasonable costs for the
7 professional services of the coroner or medical examiner or his
8 or her designee associated with attending the recovery.

9 § 8628. Collaboration among departments and organ procurement
10 organizations.

11 (a) Mandatory.--

12 (1) For purposes of the ongoing development and
13 implementation of the Donate Life PA Registry, the Department
14 of Transportation shall collaborate with the designated organ
15 procurement organizations in applying for Federal or private
16 grants recommended by the organ procurement organizations.

17 (2) The Department of Transportation, in consultation
18 with designated organ procurement organizations, shall
19 establish an annual education program for employees of the
20 Department of Transportation. The program shall focus on:

21 (i) benefits associated with organ and tissue
22 donations;

23 (ii) the scope and operation of the Commonwealth's
24 donor program; and

25 (iii) how employees can:

26 (A) effectively inform the public about the
27 donor program; and

28 (B) best assist those wishing to participate in
29 the donor program, including use of the Donate Life
30 PA Registry.

1 (b) Discretionary.--Other Commonwealth agencies may
2 collaborate with the designated organ procurement organizations
3 in applying for Federal or private grants recommended by the
4 organ procurement organizations.

5 § 8629. Information relative to organ and tissue donation.

6 (a) Curriculum.--The Department of Education, in
7 consultation with the designated organ procurement
8 organizations, shall review the Commonwealth's educational
9 curriculum framework to ensure that information about organ
10 donation is included in the standards for students in grades
11 nine through 12 beginning with the 2013-2014 school year.

12 (b) Goals.--The goals of the standards shall be to:

13 (1) Emphasize the benefits of organ and tissue donation
14 to the health and well-being of society generally and to
15 individuals whose lives are saved by organ and tissue
16 donations so that students will be motivated to make an
17 affirmative decision to register as a donor when they become
18 adults.

19 (2) Fully address myths and misunderstandings regarding
20 organ and tissue donation.

21 (3) Explain the options available to minors and adults,
22 including the option of designating oneself as an organ and
23 tissue donor.

24 (c) Materials.--The Department of Education shall make
25 related instructional materials available to public and
26 nonpublic schools educating students in grades nine through 12.
27 The General Assembly shall encourage nonpublic schools to use
28 the instructional materials. Nothing in this subsection shall be
29 construed to require nonpublic schools to use the instructional
30 materials.

1 (d) Institutions of higher education.--

2 (1) Beginning with the 2013-2014 school year, each
3 public institution of higher education in this Commonwealth
4 shall provide, in collaboration with the designated organ
5 procurement organizations, information to its students,
6 either through student health services or as part of the
7 curriculum, which:

8 (i) emphasizes the benefits to the health and well-
9 being of society and the lives that are saved through
10 organ and tissue donations; and

11 (ii) instills knowledge which will enable
12 individuals to make informed decisions about registering
13 to become an organ and tissue donor.

14 (2) Beginning with the 2013-2014 school year, each
15 private institution of higher education in this Commonwealth
16 is encouraged to provide, in collaboration with the
17 designated organ procurement organizations, information to
18 its students, either through student health services or as
19 part of the curriculum, which:

20 (i) emphasizes the benefits to the health and well-
21 being of society and the lives that are saved through
22 organ and tissue donations; and

23 (ii) instills knowledge which will enable
24 individuals to make informed decisions about registering
25 to become an organ and tissue donor.

26 § 8630. Requirements for physician and nurse training relative
27 to organ and tissue donation and recovery.

28 (a) Regulations.--The State Board of Medicine, the State
29 Board of Osteopathic Medicine and the State Board of Nursing
30 shall, in collaboration with the designated organ procurement

1 organizations, promulgate regulations stating the following
2 requirements for physician and professional nurse training:

3 (1) The curriculum in each college of medicine or
4 osteopathy or educational program of professional nursing in
5 this Commonwealth shall include two hours of instruction in
6 organ and tissue donation and recovery designed to address
7 clinical aspects of the donation and recovery process.

8 (2) Successful completion of organ and tissue donation
9 and recovery instruction under paragraph (1) shall be
10 required as a condition of receiving the degree of doctor of
11 medicine or doctor of osteopathy or a degree in professional
12 nursing, in this Commonwealth.

13 (3) A college of medicine or osteopathy or nursing
14 program which includes instruction in organ and tissue
15 donation and recovery under paragraph (1) in its curricula
16 shall offer this training for continuing education credit.

17 (b) Statement of policy.--The State Board of Medicine, the
18 State Board of Osteopathic Medicine and the State Board of
19 Nursing shall issue a statement of policy encouraging physicians
20 and nurses who, prior to the effective date of this section,
21 were not required to receive and did not receive instruction in
22 organ and tissue donation and recovery as part of a medical,
23 osteopathic or nursing school curriculum to complete the
24 training within three years after the effective date of this
25 section. The training may be completed through an online,
26 credit-based course developed by or for the designated organ
27 procurement organizations, in collaboration with representative
28 professional medical, osteopathic and nursing organizations in
29 this Commonwealth.

30 § 8631. Uniformity of application and construction.

1 In applying and construing the provisions of this chapter,
2 consideration shall be given to the need to promote uniformity
3 of the law with respect to its subject matter among those states
4 which enact a uniform act.

5 § 8632. Relation to Electronic Signatures in Global and
6 National Commerce Act.

7 This chapter modifies, limits and supersedes the Electronic
8 Signatures in Global and National Commerce Act (Public Law 106-
9 229, 15 U.S.C. § 7001 et seq.). This chapter shall not modify,
10 limit or supersede section 101(c) of the Electronic Signatures
11 in Global and National Commerce Act or authorize electronic
12 delivery of any of the notices described in section 103(b) of
13 the Electronic Signatures in Global and National Commerce Act.

14 Section 6. Subchapter C of Chapter 86 of Title 20 is
15 repealed:

16 [SUBCHAPTER C
17 CORNEAL TRANSPLANTS
18 Sec.

19 8641. Removal of corneal tissue permitted under certain
20 circumstances.

21 8642. Limitation of liability.

22 § 8641. Removal of corneal tissue permitted under certain
23 circumstances.

24 (a) General rule.--On a request from an authorized official
25 of an eye bank for corneal tissue, a coroner or medical examiner
26 may permit the removal of corneal tissue if all of the following
27 apply:

28 (1) The decedent from whom the tissue is to be removed
29 died under circumstances requiring an inquest.

30 (2) The coroner or medical examiner has made a

1 reasonable effort to contact persons listed in section 8611
2 (relating to persons who may execute anatomical gift).

3 (3) No objection by a person listed in section 8611 is
4 known by the coroner or medical examiner.

5 (4) The removal of the corneal tissue will not interfere
6 with the subsequent course of an investigation or autopsy or
7 alter the decedent's postmortem facial appearance.

8 (b) Definition.--As used in this section, the term "eye
9 bank" means a nonprofit corporation chartered under the laws of
10 this Commonwealth to obtain, store and distribute donor eyes to
11 be used by physicians or surgeons for corneal transplants,
12 research or other medical purposes and the medical activities of
13 which are directed by a physician or surgeon in this
14 Commonwealth.

15 § 8642. Limitation of liability.

16 A person who acts in good faith in accordance with the
17 provisions of this subchapter shall not be subject to criminal
18 or civil liability arising from any action taken under this
19 subchapter. The immunity provided by this section shall not
20 extend to persons if damages result from the gross negligence,
21 recklessness or intentional misconduct of the person.]

22 Section 7. This act shall take effect in 60 days.