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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 850 Session of  
2013

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INTRODUCED BY GREENLEAF, STACK, FARNESE, YUDICHAK, FONTANA,  
BREWSTER, ERICKSON, RAFFERTY, MENSCH, COSTA, HUGHES, BAKER,  
SOLOBAY, BROWNE, WASHINGTON, FERLO, SCARNATI, VULAKOVICH AND  
SMITH, APRIL 16, 2013

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REFERRED TO JUDICIARY, APRIL 16, 2013

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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:

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

22 § 8601. Definitions.

23 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 \* \* \*

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

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

7 "Advisory committee." The Organ and Tissue Donation Advisory  
8 Committee established under section 8622 (relating to The  
9 Governor Robert P. Casey Memorial Organ and Tissue Donation  
10 Awareness Trust Fund).

11 "Agent." Any of the following:

12 (1) An individual authorized to make health care  
13 decisions on another's behalf under Subchapter C of Chapter  
14 54 (relating to health care agents and representatives).

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

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

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

24 \* \* \*

25 "Decedent." [A deceased individual, including a stillborn  
26 infant or fetus.] A deceased individual whose body or part is or  
27 may be the source of an anatomical gift. The term includes a  
28 stillborn infant and, subject to restrictions imposed by other  
29 laws, a fetus. The term does not include a blastocyst, embryo or  
30 fetus that is the subject of an induced abortion.

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

5 "Donate Life PA Registry." The registry established in  
6 section 8625 (relating to promotion of organ and tissue  
7 donation; Donate Life PA Registry established).

8 \* \* \*

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

11 "Eye bank." A person that is licensed, accredited or  
12 regulated under Federal or State law to engage in the recovery,  
13 screening, testing, processing, storage or distribution of human  
14 eyes or portions of human eyes.

15 \* \* \*

16 "Hospital administrator." Any individual appointed by a  
17 hospital's governing body to act on its behalf in the overall  
18 management of the hospital. The term includes a designee of the  
19 individual.

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

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

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

29 \* \* \*

30 "Person authorized or obligated to dispose of a decedent's

1 body." Any of the following, without regard to order of  
2 priority:

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

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

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

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

10 (i) is authorized to make decisions with respect to  
11 the disposition, transportation, transfer, burial or  
12 cremation of a decedent;

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

16 (iii) voluntarily assumes responsibility for  
17 decisions with respect to the disposition,  
18 transportation, transfer, burial or cremation of a  
19 decedent.

20 \* \* \*

21 "Program coordinator." The Organ and Tissue Donation  
22 Awareness Program Coordinator established in section 8622  
23 (relating to The Governor Robert P. Casey Memorial Organ and  
24 Tissue Donation Awareness Trust Fund).

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

29 "Reasonably available." Able to be contacted by a  
30 procurement organization without undue effort and willing and

1 able to act in a timely manner consistent with existing medical  
2 criteria necessary to make an anatomical gift.

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

5 "Record." Information that is inscribed on a tangible medium  
6 or that is stored in an electronic or other medium and is  
7 retrievable in perceivable form.

8 \* \* \*

9 "Tissue bank." A person that is licensed, accredited or  
10 regulated under Federal or State law to engage in the recovery,  
11 screening, testing, processing, storage or distribution of  
12 tissue.

13 \* \* \*

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

17 § 8611. Persons who may execute anatomical gift.

18 (a) General rule.--Any individual of sound mind and 18 years  
19 of age or more may give all or any part of his body for any  
20 purpose specified in section 8612 (relating to persons who may  
21 become donees; purposes for which anatomical gifts may be made),  
22 the gift to take effect upon death. [Any] An agent [acting under  
23 a power of attorney which authorizes the agent to make  
24 anatomical gifts] may effectuate a gift for any purpose  
25 specified in section 8612. Any individual who is a minor and 16  
26 years of age or older may effectuate a gift for any purpose  
27 specified in section 8612, provided parental or guardian consent  
28 is deemed given. Parental or guardian consent shall be noted on  
29 the minor's donor card, application for the donor's learner's  
30 permit or driver's license or other document of gift. A gift of

1 the whole body shall be invalid unless made in writing at least  
2 15 days prior to the date of death or consent is obtained from  
3 the legal next of kin. Where there are adult children of the  
4 deceased who are not children of the surviving spouse, their  
5 consent shall also be required for a gift of the whole body for  
6 anatomical study.

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

16 [(1) The spouse.

17 (2) An adult son or daughter.

18 (3) Either parent.

19 (4) An adult brother or sister.

20 (5) A guardian of the person of the decedent at the time  
21 of his death.

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

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

26 (2) The spouse of the decedent.

27 (3) An adult child of the decedent.

28 (4) A parent of the decedent.

29 (5) An adult sibling of the decedent.

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

1           (7) An adult who is related to the decedent by blood,  
2 marriage or adoption, including a stepparent, stepchild or  
3 stepsibling.

4           (8) A person that exhibited special care and concern for  
5 the decedent.

6           (9) A hospital administrator.

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

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

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

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

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

18           (ii) The donee knows that a gift by a member of a  
19 class is opposed by a reasonably available member of [the  
20 same or] a prior class[, the donee shall not accept the  
21 gift].

22           (iii) The donee knows that a gift by a member of a  
23 class is opposed by at least 50% of the reasonably  
24 available members of the same class.

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

27           \* \* \*

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

29           § 8612. Persons who may become donees; purposes for which  
30           anatomical gifts may be made.

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

3 (1) Any hospital, surgeon or physician for medical or  
4 dental education, research, advancement of medical or dental  
5 science, therapy or transplantation.

6 (2) Any accredited medical or dental school, college or  
7 university for education, research, advancement of medical or  
8 dental science or therapy.

9 (3) Any bank or storage facility for medical or dental  
10 education, research, advancement of medical or dental  
11 science, therapy or transplantation.

12 (4) Any specified individual for therapy or  
13 transplantation needed by him.

14 (5) The board.]

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

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

18 (i) A hospital.

19 (ii) An accredited medical school, dental school,  
20 college or university.

21 (iii) The board.

22 (iv) An organ procurement organization.

23 (v) Any other appropriate person as authorized by  
24 law.

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

28 (3) An eye bank or tissue bank.

29 (4) An organ procurement organization.

30 (b) Directed donation.--If an anatomical gift to an



1 individual under subsection (a) (2) cannot be transplanted into  
2 the individual, the part shall pass in accordance with  
3 subsection (c) in the absence of a known objection by the person  
4 making the anatomical gift.

5 (c) Organ for transplant or therapy.--An anatomical gift of  
6 an organ for transplantation or therapy, other than an  
7 anatomical gift under subsection (a) (2), shall pass to the organ  
8 procurement organization.

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

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

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

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

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

19 (e) Multiple purposes.--If there is more than one purpose of  
20 an anatomical gift set forth in the document of gift but the  
21 purposes are not set forth in any priority, the gift shall be  
22 used for transplantation or therapy, if suitable, and shall pass  
23 to the appropriate organ procurement organization. If the gift  
24 cannot be used for transplantation or therapy, the gift may be  
25 used for research or education.

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

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

4 § 8613. Manner of executing anatomical gifts.

5 \* \* \*

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

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

28 (2) the identification card by the Department of  
29 Transportation.

30 \* \* \*

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

22 (d.1) Reliance.--A person may rely on a document of gift or  
23 amendment thereto as being valid unless that person knows that  
24 it was not validly executed or was revoked.

25 (e) Consent not necessary.--[If a donor card, donor driver's  
26 license, living will, durable power of attorney or other  
27 document of gift evidencing a gift of organs or tissue has been  
28 executed,] A donor's gift of all or any part of the individual's  
29 body, including a designation on a driver's license or  
30 identification card, donor card, advance health care directive,

1 will or other document of gift, may not be revoked by the next-  
2 of-kin or other persons identified in section 8611(b). The  
3 consent of any person [designated in section 8611(b)] at the  
4 time of the donor's death or immediately thereafter is not  
5 necessary to render the gift valid and effective.

6 \* \* \*

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

9 (1) this chapter;

10 (2) the law of the state or country where it was  
11 executed; or

12 (3) the law of the state or country where, at the time  
13 of execution of the document of gift, the person making the  
14 anatomical gift:

15 (i) is domiciled;

16 (ii) has a place of residence; or

17 (iii) is a citizen.

18 (h) Choice of law.--If a document of gift is valid under  
19 this section, the law of this Commonwealth governs  
20 interpretation of the document.

21 Section 3. Section 8615 of Title 20 is amended by adding  
22 subsections to read:

23 § 8615. Amendment or revocation of gift.

24 \* \* \*

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

1 (e) Revocation not a refusal.--A revocation made under this  
2 chapter shall be effective if the applicable organ procurement  
3 organization, tissue bank, eye bank or transplant hospital knows  
4 of, and can reasonably communicate, the revocation to the  
5 involved physicians or technicians before an incision has been  
6 made to remove a part from the donor's body or before invasive  
7 procedures have begun to prepare the recipient.

8 Section 4. Sections 8616(b), (c) and (d), 8617, 8619, 8621,  
9 8622, 8623 and 8624 of Title 20 are amended to read:

10 § 8616. Rights and duties at death.

11 \* \* \*

12 (b) Physicians.--The time of death shall be determined by a  
13 physician who tends the donor at his death or, if none, the  
14 physician who certifies the death. [The physician or person who  
15 certifies death or any of his professional partners or  
16 associates shall not participate in the procedures for removing  
17 or transplanting a part.]

18 (c) Certain liability limited.--A person who acts in good  
19 faith in accordance with the terms of this subchapter or with  
20 the anatomical gift laws of another state or a foreign country  
21 is not liable for damages in any civil action or subject to  
22 prosecution in any criminal proceeding for his act. Neither a  
23 person making an anatomical gift nor a donor's estate shall be  
24 liable for injury or damage which results from the making or use  
25 of the anatomical gift. In determining whether an anatomical  
26 gift has been made, amended or revoked under this chapter, a  
27 person may rely upon representations of an individual listed in  
28 section 8611(b) relating to the individual's relationship to the  
29 donor or prospective donor unless the person knows that the  
30 representation is untrue.

1 (d) Law on autopsies applicable.--The provisions of this  
2 subchapter are subject to the laws of this Commonwealth  
3 prescribing powers and duties with respect to autopsies.  
4 Notwithstanding 18 Pa.C.S. Ch. 91 (relating to criminal history  
5 record information), an organ procurement organization is  
6 authorized to obtain a copy of an autopsy report in a timely  
7 fashion upon request and payment of reasonable copying fees.

8 § 8617. Requests for anatomical gifts.

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

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

22 (c) Donor card.--Notwithstanding any provision of law to the  
23 contrary, the intent of a decedent to participate in an organ  
24 donor program as evidenced by the possession of a validly  
25 executed donor card, donor driver's license, living will,  
26 durable power of attorney or other document of gift shall not be  
27 revoked by any member of any of the classes specified in section  
28 8611(b).

29 (d) Identification of potential donors.--Each acute care  
30 general hospital shall develop within one year of the date of

1 final enactment of this section, with the concurrence of the  
2 hospital medical staff, a protocol for identifying potential  
3 organ and tissue donors. It shall require that, at or near the  
4 time of every individual death, all acute care general hospitals  
5 contact by telephone their regional organ procurement  
6 organization to determine suitability for organ, tissue and eye  
7 donation of the individual in question. The person designated by  
8 the acute care general hospital to contact the organ procurement  
9 organization shall have the following information available  
10 prior to making the contact:

- 11 (1) The patient's identifier number.
- 12 (2) The patient's age.
- 13 (3) The cause of death.
- 14 (4) Any past medical history available.

15 The organ procurement organization, in consultation with the  
16 patient's attending physician or his designee, shall determine  
17 the suitability for donation. If the organ procurement  
18 organization in consultation with the patient's attending  
19 physician or his designee determines that donation is not  
20 appropriate based on established medical criteria, this shall be  
21 noted by hospital personnel on the patient's record, and no  
22 further action is necessary. If the organ procurement  
23 organization in consultation with the patient's attending  
24 physician or his designee determines that the patient is a  
25 suitable candidate for anatomical donation, the acute care  
26 general hospital shall initiate a request by informing the  
27 persons and following the procedure designated under section  
28 8611(b) of the option to donate organs, tissues or eyes. The  
29 person initiating the request shall be an organ procurement  
30 organization representative or a designated requestor. The organ

1 procurement organization representative or designated requestor  
2 shall ask persons pursuant to section 8611(b) whether the  
3 deceased was an organ donor. If the person designated under  
4 section 8611(b) does not know, then this person shall be  
5 informed of the option to donate organs and tissues. The  
6 protocol shall encourage discretion and sensitivity to family  
7 circumstances in all discussions regarding donations of tissue  
8 or organs. The protocol shall take into account the deceased  
9 individual's religious beliefs or nonsuitability for organ and  
10 tissue donation.

11 (e) Tissue procurement.--

12 (1) The first priority use for all tissue shall be  
13 transplantation.

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

23 (3) Until the Department of Health has approved  
24 guidelines pursuant to subsection (f)(1)(ii), tissue  
25 referrals at each hospital shall be rotated in a proportion  
26 equal to the average rate of donors recovered among the  
27 tissue procurement providers at that hospital during the two-  
28 year period ending August 31, 1994.

29 (4) The regional organ procurement organization, with  
30 the assistance of tissue procurement providers, shall submit



1 an annual report to the General Assembly on the following:

2 (i) The number of tissue donors.

3 (ii) The number of tissue procurements for  
4 transplantation.

5 (iii) The number of tissue procurements recovered  
6 for research by each tissue procurement provider  
7 operating in this Commonwealth.

8 (f) Guidelines.--

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

16 (i) Establish guidelines regarding efficient  
17 procedures facilitating the delivery of anatomical gift  
18 donations from receiving hospitals to procurement  
19 providers.

20 (ii) Develop guidelines to assist hospitals in the  
21 selection and designation of tissue procurement  
22 providers.

23 (2) Each organ procurement organization and each tissue  
24 procurement provider operating within this Commonwealth  
25 shall, within six months of the effective date of this  
26 chapter, file with the Department of Health, for public  
27 review, its operating protocols.]

28 (a) Procedure.--

29 (1) A hospital located in this Commonwealth shall notify  
30 the applicable designated organ procurement organization or a

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

10 (2) The following shall apply to coroners and medical  
11 examiners:

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

21 (ii) Notification under this paragraph shall not be  
22 made if:

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

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

28 (b) Referrals.--If an organ procurement organization  
29 receives a referral of an individual whose death is imminent or  
30 who has died, the organ procurement organization shall make a

1 reasonable search of the records of the Donate Life PA Registry  
2 or the applicable State donor registry that it knows exists for  
3 the geographic area in which the individual resided or resides  
4 in order to ascertain whether the individual has made an  
5 anatomical gift.

6 (c) Document of gift.--

7 (1) If the referred patient has a document of gift,  
8 including registration with the Donate Life PA Registry, the  
9 procurement organization representative or the designated  
10 requestor shall attempt to notify a person listed in section  
11 8611(b) (relating to persons who may execute anatomical gift)  
12 of the gift.

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

22 (3) The hospital administrator or that person's  
23 designated representative shall indicate in the medical  
24 record of the decedent:

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

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

29 (d) Testing.--

30 (1) This subsection shall apply if:

1           (i) a hospital refers an individual who is dead or  
2 whose death is imminent to an organ procurement  
3 organization; and

4           (ii) the organ procurement organization determines,  
5 based upon a medical record review, that the individual  
6 may be a prospective donor.

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

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

17           (A) to evaluate medical suitability for donation  
18 and to facilitate the donation process; and

19           (B) as required or permitted by law.

20           (ii) The hospital may not withdraw or withhold any  
21 measures which are necessary to maintain the medical  
22 suitability of the part until the organ procurement  
23 organization has:

24           (A) had the opportunity to advise the applicable  
25 persons as set forth in section 8611(b) of the option  
26 to make an anatomical gift and has received or been  
27 denied authorization to proceed with recovery of the  
28 part; or

29           (B) has ascertained that the individual  
30 expressed a known objection.

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

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

11 (f.1) Recipients.--

12 (1) Subject to the provisions of this chapter, the  
13 rights of the person to whom a part passes under section 8612  
14 shall be superior to the rights of all others with respect to  
15 the part. The person may accept or reject an anatomical gift  
16 in whole or in part.

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

25 (f.2) Physicians.--

26 (1) Neither the physician who attends the decedent at  
27 death nor the physician who determines the time of the  
28 decedent's death may participate in the procedures for  
29 removing or transplanting a part from the decedent.

30 (2) Subject to paragraph (1), a physician or technician

1 may remove a donated part from the body of a donor that the  
2 physician or technician is qualified to remove.

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

4 (1) A hospital shall enter into agreements or  
5 affiliations with organ procurement organizations for  
6 coordination of procurement and use of anatomical gifts.

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

15 (g) Death record review.--

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

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

21 (i) The [Department of Health] department shall  
22 select to carry out the review the Commonwealth-licensed  
23 organ procurement organization designated by the [Health  
24 Care Financing Administration] Centers for Medicare and  
25 Medicaid Services for the region within which the acute  
26 care general hospital is located. For an organ  
27 procurement organization to be selected under this  
28 subparagraph, the organization must not operate nor have  
29 an ownership interest in an entity which provides all of  
30 the functions of a tissue procurement provider.

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

11 (iii) If there is no valid selection under  
12 subparagraph (ii) or if the organization selected under  
13 subparagraph (ii) is unwilling to carry out the review,  
14 the department shall carry out the review using trained  
15 department personnel.

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

18 (4) If the department finds, on the basis of a review  
19 under this subsection, that a hospital is not in compliance  
20 with subsection (d), the department may impose an  
21 administrative fine of up to \$500 for each instance of  
22 noncompliance. A fine under this paragraph is subject to 2  
23 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of  
24 Commonwealth agencies) and Ch. 7 Subch. A (relating to  
25 judicial review of Commonwealth agency action). Fines  
26 collected under this paragraph shall be deposited into the  
27 fund.

28 (5) An organ procurement organization may, upon request  
29 and payment of associated fees, obtain certified copies of  
30 death records of a donor from the Division of Vital Records

1 of the department.

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

5 "Designated requestor." A hospital employee completing a  
6 course offered by [an] a designated organ procurement  
7 organization on how to approach potential donor families and  
8 request organ or tissue donation.

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

12 § 8619. Use of driver's license or identification card to  
13 indicate organ or tissue donation.

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

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

23 Only an affirmative response of an individual shall be noted on  
24 the front of the driver's license or identification card and  
25 shall clearly indicate the individual's intent to donate his  
26 organs or tissue. A notation on an individual's driver's license  
27 or identification card that he intends to donate his organs or  
28 tissue is deemed sufficient to satisfy all requirements for  
29 consent to organ or tissue donation. The department shall record  
30 and store all organ donor designations in the Donate Life PA



1 Registry, regardless of whether a driver's license or  
2 identification card is issued. The recorded and stored  
3 designation is sufficient to satisfy all requirements for  
4 consent to organ and tissue donation.

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

26 § 8621. The Governor Robert P. Casey Memorial Organ and Tissue  
27 Donation Awareness Trust Fund contributions.

28 (a) Driver's license.--Beginning as soon as practicable, but  
29 no later than [January 1, 1995] July 1, 2013, the Department of  
30 Transportation shall provide an applicant for an original or

1 renewal driver's license or identification card the opportunity  
2 to make a contribution of [\$1] \$2 to the fund. The contribution  
3 shall be added to the regular fee for an original or renewal  
4 driver's license or identification card. One contribution may be  
5 made for each issuance or renewal of a license or identification  
6 card. Contributions shall be used exclusively for the purposes  
7 set out in section 8622 (relating to The Governor Robert P.  
8 Casey Memorial Organ and Tissue Donation Awareness Trust Fund).  
9 The Department of Transportation shall monthly determine the  
10 total amount designated under this section and shall report that  
11 amount to the State Treasurer, who shall transfer that amount to  
12 The Governor Robert P. Casey Memorial Organ and Tissue Donation  
13 Awareness Trust Fund.

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

1 not more than \$375,000. The General Fund shall reimburse the  
2 Department of Transportation for the actual annual operating  
3 costs of the program for vehicle registrations as described in  
4 this subsection [subject to the following limits: For the first  
5 fiscal year during which this subsection is effective, the  
6 General Fund shall reimburse the Department of Transportation  
7 for the actual operating costs of the program in this subsection  
8 up to a maximum of \$100,000]. For each fiscal year thereafter,  
9 the General Fund shall reimburse the Department of  
10 Transportation for the actual operating costs of the program in  
11 this subsection in an amount not to exceed the prior year's  
12 actual operating costs on a full fiscal year basis plus 3%. The  
13 amounts approved by the Governor as necessary are hereby  
14 appropriated from the General Fund for this purpose.

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

23 § 8622. The Governor Robert P. Casey Memorial Organ and Tissue  
24 Donation Awareness Trust Fund.

25 (a) Establishment.--All contributions received by the  
26 Department of Transportation under section 8621 (relating to The  
27 Governor Robert P. Casey Memorial Organ and Tissue Donation  
28 Awareness Trust Fund contributions) [and the Department of  
29 Revenue under section 8618 (relating to voluntary contribution  
30 system)] and the Department of Health under section 8617

1 (relating to requests for anatomical gifts) shall be deposited  
2 into a special fund in the State Treasury to be known as The  
3 Governor Robert P. Casey Memorial Organ and Tissue Donation  
4 Awareness Trust Fund, which is hereby established.

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

14 (1) [10%] Ten percent of the total fund may be expended  
15 annually by the Department of Health for reasonable hospital  
16 and other medical expenses, funeral expenses and incidental  
17 expenses incurred by the donor or donor's family in  
18 connection with making [a vital organ donation] an organ or  
19 tissue donation, along with programming, to provide support  
20 services to organ and tissue donors and their families, such  
21 as bereavement counseling services. Such expenditures shall  
22 not exceed \$3,000 per donor and shall only be made directly  
23 to the funeral home, hospital or other service provider  
24 related to the donation. No part of the fund shall be  
25 transferred directly to the donor's family, next of kin or  
26 estate. The advisory committee shall develop procedures,  
27 including the development of a pilot program, necessary for  
28 effectuating the purposes of this paragraph.

29 (2) [50%] Fifty percent may be expended for grants to  
30 certified organ procurement organizations for the development

1 and implementation of organ donation awareness programs in  
2 this Commonwealth. The Department of Health shall develop and  
3 administer this grant program, which is hereby established.

4 (3) [15%] Fifteen percent may be expended by the  
5 Department of Health, in cooperation with certified organ  
6 procurement organizations, for the Project-Make-A-Choice  
7 program, which shall include information pamphlets designed  
8 by the Department of Health relating to organ donor awareness  
9 and the laws regarding organ donation, public information and  
10 public education about contributing to the fund when  
11 obtaining or renewing a driver's license and when completing  
12 a State individual income tax return form.

13 (4) [25%] Twenty-five percent may be expended by the  
14 Department of Education for the implementation of organ  
15 donation awareness programs in the secondary schools in this  
16 Commonwealth.

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

19 (1) Two representatives of organ procurement  
20 organizations.

21 (2) Two representatives of tissue procurement providers.

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

24 (4) Three representatives of acute care hospitals.

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

26 (6) One representative of eye banks.

27 All members shall be appointed by the Governor. Appointments  
28 shall be made in a manner that provides representation of the  
29 northwest, north central, northeast, southwest, south central  
30 and southeast regions of this Commonwealth. Members shall serve

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

20 (c) Advisory committee.--

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

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

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

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

26 (iv) One representative from each designated organ  
27 procurement organization.

28 (v) Two representatives of tissue procurement  
29 providers.

30 (vi) Six members representative of:

1                   (A) organ, tissue and eye recipients;

2                   (B) families of recipients;

3                   (C) donors; and

4                   (D) families of donors.

5                   (vii) Two representatives of acute care hospitals  
6 which are:

7                   (A) licensed in this Commonwealth; and

8                   (B) members of the Statewide association  
9 representing the interests of hospitals throughout  
10 this Commonwealth.

11                   (viii) One representative of eye banks.

12                   (ix) One representative of community health  
13 organizations.

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

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

18                   (i) Members shall be appointed in a manner which  
19 reflects geographic diversity. Input on the selection of  
20 the representatives under paragraph (1)(vii) shall be  
21 sought from the Statewide association referred to in  
22 paragraph (1)(vii)(B).

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

24                   (iii) The Governor may reappoint an advisory  
25 committee member for successive terms.

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

28                   (v) If a vacancy occurs prior to completion of a  
29 term, the Governor shall appoint a member to fill the  
30 unexpired term in the same manner as the vacating member

1           was appointed.

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

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

6           (ii) Recommend education and awareness training  
7 programs.

8           (iii) Recommend priorities in expenditures from the  
9 fund.

10           (iv) Advise the Secretary of Health on matters  
11 relating to administration of the fund.

12           (v) Recommend legislation as necessary to fulfill  
13 the purposes of this chapter.

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

18           (6) The Department of Health shall reimburse members of  
19 the advisory committee only for necessary and reasonable  
20 travel and other expenses incurred in the performance of  
21 their duties under this subsection.

22           (d) Reports.--The Department of Health, the Department of  
23 Transportation and the Department of Education shall submit an  
24 annual report to the General Assembly on expenditures of fund  
25 moneys and any progress made in [reducing the number of  
26 potential donors who were not identified] increasing the number  
27 of donor designations.

28           [e] Definition.--As used in this section, the term "vital  
29 organ" means a heart, lung, liver, kidney, pancreas, small  
30 bowel, large bowel or stomach for the purpose of



1 transplantation.]

2 (f) Lead Commonwealth agency.--

3 (1) The Department of Health shall be the lead  
4 Commonwealth agency responsible for promoting organ and  
5 tissue donation in this Commonwealth and shall coordinate  
6 activities among other collaborating Commonwealth agencies.

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

10 (i) The Department of Health shall be reimbursed by  
11 The Governor Robert P. Casey Memorial Organ and Tissue  
12 Donation Awareness Trust Fund for the actual cost of the  
13 program coordinator position.

14 (ii) The program coordinator has the following  
15 powers and duties:

16 (A) Assist in administration of the fund.

17 (B) Serve as a full-time liaison to the advisory  
18 committee and assist the advisory committee in  
19 program development, projects, funding proposals and  
20 priorities.

21 (C) Serve as liaison with other Commonwealth  
22 agencies. This clause shall include working with the  
23 Department of Transportation to ensure that driver's  
24 license centers promote organ and tissue donation and  
25 comply with agreed-upon arrangements to display  
26 information and materials.

27 (D) Assist designated organ procurement  
28 organizations in their collaborations with other  
29 Commonwealth agencies.

30 § 8623. Confidentiality requirement.

1 The identity of the donor and of the recipient may not be  
2 communicated unless expressly authorized by [the recipient and  
3 next of kin of the decedent.]:

4 (1) the recipient; and

5 (2) if the donor is alive, the donor, or if the donor is  
6 deceased, the next of kin of the donor.

7 § 8624. Prohibited activities.

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

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

26 (a) Procurement organizations.--

27 (1) A procurement organization shall not do any of the  
28 following:

29 (i) Disparage the services or business of another  
30 procurement organization by false or misleading

1 representations of fact.

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

4 (iii) Engage in unlawful competition or  
5 discrimination.

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

9 (b) Funeral establishments.--

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

12 (i) remove body parts from a corpse;

13 (ii) permit others to remove body parts from a  
14 corpse; or

15 (iii) use funeral establishment facilities to remove  
16 body parts from a corpse.

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

18 (i) Removal is permissible if it is:

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

21 (B) authorized in writing by a family member,  
22 guardian or other person responsible for disposition  
23 of the body.

24 (ii) Notwithstanding any other provision of law, if  
25 a donation is authorized under this chapter, a designated  
26 organ procurement organization and a Pennsylvania  
27 nonprofit eye bank accredited by the Eye Bank Association  
28 of America may recover donated ocular tissue, including  
29 the whole eye, cornea and sclera, and associated blood  
30 specimens at a funeral establishment.

1       (3) If a funeral director is notified by a person  
2 authorized to make donations under this chapter that the  
3 person wishes to donate body parts from a corpse within the  
4 funeral director's custody, the funeral director shall  
5 immediately notify the organ procurement organization  
6 designated to serve that region.

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

8 § 8625. Promotion of organ and tissue donation; Donate Life PA  
9 Registry established.

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

18 (b) Paper form.--

19 (1) Within one year of the effective date of this  
20 section, the department shall establish a system which allows  
21 individuals who have been issued a driver's license or  
22 identification card to add their donor designation to the  
23 Donate Life PA Registry by submitting a form to the  
24 department.

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

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

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

4 (e) Effect.--

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

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

8 (ii) on the individual's physical driver's license  
9 or identification card;

10 (iii) on an advance health care directive;

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

13 (v) submitted under any other statutory provision.

14 (2) Registration by a donor shall constitute sufficient  
15 authorization to donate organs and tissues for  
16 transplantation and therapy. Authorization of another person  
17 shall not be necessary to effectuate the anatomical gift.

18 (f) Technology.--An information technology system adopted by  
19 the Department of Transportation after the effective date of  
20 this section shall continue to accommodate the inclusion of  
21 donor designation information into the database and the ongoing  
22 operation of the Donate Life PA Registry.

23 § 8626. Effect of anatomical gift on advance health care  
24 directive.

25 (a) Scope.--This section shall apply if a hospital patient  
26 who is a prospective donor has executed an advance health care  
27 directive or otherwise specified by record the circumstances  
28 under which the patient would want life support withheld or  
29 withdrawn, and the terms of the advance health care directive or  
30 other record are in conflict with the option of making an

1 anatomical gift by precluding the administration of measures  
2 necessary to ensure the medical suitability of a part for  
3 transplantation or therapy.

4 (b) Requirements.--If the patient is incapable of resolving  
5 the conflict, any of the following shall act for the patient to  
6 resolve the conflict:

7 (1) The patient's agent.

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

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

23 (d) Measures.--Measures necessary to ensure the medical  
24 suitability of the part shall not be withheld or withdrawn from  
25 the patient prior to resolution of the conflict.

26 § 8627. Facilitation of anatomical gift from decedent whose  
27 death is under investigation.

28 (a) Request by procurement organization.--Organ procurement  
29 organizations shall in all cases collaborate with the coroner or  
30 medical examiner to ensure the preservation of forensic evidence

1 and collection of photographs and specimens. Notwithstanding the  
2 provisions set forth in 18 Pa.C.S. Ch. 91 (relating to criminal  
3 history record information), a coroner or medical examiner  
4 shall, upon request, release to the organ procurement  
5 organization the name, contact information and available medical  
6 and social history of a decedent whose death is under  
7 investigation. The coroner or medical examiner may permit the  
8 removal of an anatomical gift authorized under section 8611  
9 (relating to persons who may execute anatomical gift) from a  
10 decedent who died under circumstances requiring an  
11 investigation.

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

24 (c) Report.--If requested by the coroner or medical  
25 examiner, the physician or technician recovering a part under  
26 this section shall provide a report detailing the condition of  
27 the part. If appropriate, the report shall include a biopsy,  
28 photographs or medically approved sample from the part. The  
29 designated organ procurement organization shall reimburse the  
30 coroner or medical examiner for the reasonable costs for the

1 professional services of the coroner or medical examiner or his  
2 or her designee associated with attending the recovery.  
3 § 8628. Collaboration among departments and organ procurement  
4 organizations.

5 (a) Mandatory.--

6 (1) For purposes of the ongoing development and  
7 implementation of the Donate Life PA Registry, the Department  
8 of Transportation shall collaborate with the designated organ  
9 procurement organizations in applying for Federal or private  
10 grants recommended by the organ procurement organizations.

11 (2) The Department of Transportation, in consultation  
12 with designated organ procurement organizations, shall  
13 establish an annual education program for employees of the  
14 Department of Transportation. The program shall focus on:

15 (i) benefits associated with organ and tissue  
16 donations;

17 (ii) the scope and operation of the Commonwealth's  
18 donor program; and

19 (iii) how employees can:

20 (A) effectively inform the public about the  
21 donor program; and

22 (B) best assist those wishing to participate in  
23 the donor program, including use of the Donate Life  
24 PA Registry.

25 (b) Discretionary.--Other Commonwealth agencies may  
26 collaborate with the designated organ procurement organizations  
27 in applying for Federal or private grants recommended by the  
28 organ procurement organizations.

29 § 8629. Information relative to organ and tissue donation.

30 (a) Curriculum.--The Department of Education, in



1 consultation with the designated organ procurement  
2 organizations, shall review the Commonwealth's educational  
3 curriculum framework to ensure that information about organ  
4 donation is included in the standards for students in grades  
5 nine through 12 beginning with the 2013-2014 school year.

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

7 (1) Emphasize the benefits of organ and tissue donation  
8 to the health and well-being of society generally and to  
9 individuals whose lives are saved by organ and tissue  
10 donations so that students will be motivated to make an  
11 affirmative decision to register as a donor when they become  
12 adults.

13 (2) Fully address myths and misunderstandings regarding  
14 organ and tissue donation.

15 (3) Explain the options available to minors and adults,  
16 including the option of designating oneself as an organ and  
17 tissue donor.

18 (c) Materials.--The Department of Education shall make  
19 related instructional materials available to public and  
20 nonpublic schools educating students in grades nine through 12.  
21 The General Assembly shall encourage nonpublic schools to use  
22 the instructional materials. Nothing in this subsection shall be  
23 construed to require nonpublic schools to use the instructional  
24 materials.

25 (d) Institutions of higher education.--

26 (1) Beginning with the 2013-2014 school year, each  
27 public institution of higher education in this Commonwealth  
28 shall provide, in collaboration with the designated organ  
29 procurement organizations, information to its students,  
30 either through student health services or as part of the

1 curriculum, which:

2 (i) emphasizes the benefits to the health and well-  
3 being of society and the lives that are saved through  
4 organ and tissue donations; and

5 (ii) instills knowledge which will enable  
6 individuals to make informed decisions about registering  
7 to become an organ and tissue donor.

8 (2) Beginning with the 2013-2014 school year, each  
9 private institution of higher education in this Commonwealth  
10 is encouraged to provide, in collaboration with the  
11 designated organ procurement organizations, information to  
12 its students, either through student health services or as  
13 part of the curriculum, which:

14 (i) emphasizes the benefits to the health and well-  
15 being of society and the lives that are saved through  
16 organ and tissue donations; and

17 (ii) instills knowledge which will enable  
18 individuals to make informed decisions about registering  
19 to become an organ and tissue donor.

20 § 8630. Requirements for physician and nurse training relative  
21 to organ and tissue donation and recovery.

22 (a) Regulations.--The State Board of Medicine, the State  
23 Board of Osteopathic Medicine and the State Board of Nursing  
24 shall, in collaboration with the designated organ procurement  
25 organizations, promulgate regulations stating the following  
26 requirements for physician and professional nurse training:

27 (1) The curriculum in each college of medicine or  
28 osteopathy or educational program of professional nursing in  
29 this Commonwealth shall include two hours of instruction in  
30 organ and tissue donation and recovery designed to address

1 clinical aspects of the donation and recovery process.

2 (2) Successful completion of organ and tissue donation  
3 and recovery instruction under paragraph (1) shall be  
4 required as a condition of receiving the degree of doctor of  
5 medicine or doctor of osteopathy or a degree in professional  
6 nursing, in this Commonwealth.

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

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

24 § 8631. Uniformity of application and construction.

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

29 § 8632. Relation to Electronic Signatures in Global and  
30 National Commerce Act.

1 This chapter modifies, limits and supersedes the Electronic  
2 Signatures in Global and National Commerce Act (Public Law 106-  
3 229, 15 U.S.C. § 7001 et seq.). This chapter shall not modify,  
4 limit or supersede section 101(c) of the Electronic Signatures  
5 in Global and National Commerce Act or authorize electronic  
6 delivery of any of the notices described in section 103(b) of  
7 the Electronic Signatures in Global and National Commerce Act.

8 Section 6. Subchapter C of Chapter 86 of Title 20 is  
9 repealed:

10 [SUBCHAPTER C

11 CORNEAL TRANSPLANTS

12 Sec.

13 8641. Removal of corneal tissue permitted under certain  
14 circumstances.

15 8642. Limitation of liability.

16 § 8641. Removal of corneal tissue permitted under certain  
17 circumstances.

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

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

24 (2) The coroner or medical examiner has made a  
25 reasonable effort to contact persons listed in section 8611  
26 (relating to persons who may execute anatomical gift).

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

29 (4) The removal of the corneal tissue will not interfere  
30 with the subsequent course of an investigation or autopsy or

1 alter the decedent's postmortem facial appearance.

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

9 § 8642. Limitation of liability.

10 A person who acts in good faith in accordance with the  
11 provisions of this subchapter shall not be subject to criminal  
12 or civil liability arising from any action taken under this  
13 subchapter. The immunity provided by this section shall not  
14 extend to persons if damages result from the gross negligence,  
15 recklessness or intentional misconduct of the person.]

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