

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 585 Session of 2015

INTRODUCED BY SABATINA, BARRAR, BISHOP, V. BROWN, BROWNLEE, CALTAGIRONE, COHEN, D. COSTA, P. COSTA, CRUZ, DeLUCA, FARRY, FRANKEL, GALLOWAY, GIBBONS, GINGRICH, GODSHALL, GOODMAN, J. HARRIS, KAVULICH, W. KELLER, KINSEY, KORTZ, MAHONEY, MATZIE, McCARTER, McNEILL, D. MILLER, MURT, O'BRIEN, READSHAW, ROZZI, THOMAS, TOOHL, YOUNGBLOOD, EVERETT, CARROLL, HARPER, TAYLOR, BRIGGS, DiGIROLAMO, HARHAI, DAVIS, HARKINS, BOBACK, SIMS, SAMUELSON, BENNINGHOFF, DUSH, ROEBUCK, LONGIETTI, DRISCOLL AND PHILLIPS-HILL, FEBRUARY 23, 2015

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 17, 2016

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, IN ANATOMICAL GIFTS, <--
3 further providing for manner of executing anatomical gifts.

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

6 Section 1. Section 8613 of Title 20 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subsection to read:

8 § 8613. Manner of executing anatomical gifts.

9 \* \* \*

10 (g) Rights and protections for certain individuals.--

11 (1) An individual who is a candidate to receive IN NEED <--
12 OF an anatomical gift shall not be deemed ineligible to
13 receive an anatomical gift solely because of the individual's
14 physical or mental disability, except to the extent that the

1 physical or mental disability has been found by a physician  
2 or surgeon following an individualized evaluation of the  
3 potential recipient INDIVIDUAL to be medically significant to <--  
4 the provision of the anatomical gift. If an individual has  
5 the necessary support system to assist the individual in  
6 complying with posttransplant medical requirements, an  
7 individual's inability to independently comply with those  
8 requirements shall not be deemed to be medically significant.  
9 The provisions of this subsection shall apply to each part of <--  
10 the organ transplant process.

11 ~~(2) The court shall accord priority on its calendar and~~  
12 ~~expeditiously proceed with an action brought to seek any~~  
13 ~~remedy authorized by law for purposes of enforcing compliance~~  
14 ~~with the provisions of this section.~~

15 ~~(3) The provisions of this section shall not be deemed~~  
16 ~~to require referrals or recommendations for, or the~~  
17 ~~performance of, medically inappropriate organ transplants.~~

18 ~~(4)~~ (2) As used in this section, "disability" shall have <--  
19 the same meaning as in the Americans with Disabilities Act of  
20 1990 (Public Law 101-336, 104 Stat. 327).

21 Section 2. This act shall take effect immediately.