
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 902 Session of
2015

INTRODUCED BY SABATINA, WOZNIAK, TARTAGLIONE, MCGARRIGLE,
EICHELBERGER, RAFFERTY, WILLIAMS, FONTANA, VULAKOVICH, COSTA,
DINNIMAN, YUDICHAK, WILEY, BLAKE AND HUGHES, AUGUST 13, 2015

REFERRED TO JUDICIARY, AUGUST 13, 2015

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 an
12 anatomical gift shall not be deemed ineligible to receive an
13 anatomical gift solely because of the individual's physical
14 or mental disability, except to the extent that the physical
15 or mental disability has been found by a physician or surgeon
16 following an individualized evaluation of the potential
17 recipient to be medically significant to the provision of the
18 anatomical gift. If an individual has the necessary support

1 system to assist the individual in complying with
2 posttransplant medical requirements, an individual's
3 inability to independently comply with those requirements
4 shall not be deemed to be medically significant. The
5 provisions of this subsection shall apply to each part of the
6 organ transplant process.

7 (2) The court shall accord priority on its calendar and
8 expeditiously proceed with an action brought to seek any
9 remedy authorized by law for purposes of enforcing compliance
10 with the provisions of this section.

11 (3) The provisions of this section shall not be deemed
12 to require referrals or recommendations for, or the
13 performance of, medically inappropriate organ transplants.

14 (4) As used in this subsection, "disability" shall have
15 the same meaning as in the Americans with Disabilities Act of
16 1990 (Public Law 101-336, 104 Stat. 327).

17 Section 2. This act shall take effect immediately.