

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 180 Session of 2017

INTRODUCED BY GREENLEAF, ARGALL, YAW, BREWSTER, BOSCOLA, YUDICHAK, COSTA, LAUGHLIN, BROWNE AND TARTAGLIONE, JUNE 7, 2017

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 13, 2018

AN ACT

1 ~~Amending Title 20 (Decedents, Estates and Fiduciaries) of the~~ <--
2 ~~Pennsylvania Consolidated Statutes, in anatomical gifts,~~
3 ~~further providing for definitions, for persons who may~~
4 ~~execute anatomical gift, for persons who may become donees~~
5 ~~and purposes for which anatomical gifts may be made, for~~
6 ~~manner of executing anatomical gifts, for amendment or~~
7 ~~revocation of gift, for rights and duties at death, for~~
8 ~~requests for anatomical gifts, for use of driver's license or~~
9 ~~identification card to indicate organ or tissue donation, for~~
10 ~~The Governor Robert P. Casey Memorial Organ and Tissue~~
11 ~~Donation Awareness Trust Fund contributions, for The Governor~~
12 ~~Robert P. Casey Memorial Organ and Tissue Donation Awareness~~
13 ~~Trust Fund, for confidentiality requirement and for~~
14 ~~prohibited activities, providing for promotion of organ and~~
15 ~~tissue donation, establishing the Donate Life PA Registry,~~
16 ~~providing for facilitation of anatomical gift from decedent~~
17 ~~whose death is under investigation, for collaboration among~~
18 ~~departments and organ procurement organizations, for~~
19 ~~information relative to organ and tissue donation, for~~
20 ~~requirements for physician and nurse training relative to~~
21 ~~organ and tissue donation and recovery, for uniformity of~~
22 ~~application and construction, for relation to Electronic~~
23 ~~Signatures in Global and National Commerce Act and for study~~
24 ~~of organizations and repealing provisions relating to corneal~~
25 ~~transplants.~~

26 AMENDING TITLE 20 (DECEDENTS, ESTATES AND FIDUCIARIES) OF THE <--
27 PENNSYLVANIA CONSOLIDATED STATUTES, IN OWNERSHIP OF PROPERTY
28 AND LEGAL TITLE AND EQUITABLE ESTATE, FURTHER PROVIDING FOR
29 RIGHT TO DISPOSE OF A DECEDENT'S REMAINS; IN HEALTH CARE,
30 FURTHER PROVIDING FOR EXAMPLE; IN ANATOMICAL GIFTS, FURTHER
31 PROVIDING FOR DEFINITIONS, PROVIDING FOR SCOPE, FURTHER
32 PROVIDING FOR PERSONS WHO MAY EXECUTE ANATOMICAL GIFT, FOR

1 PERSONS WHO MAY BECOME DONEES AND PURPOSES FOR WHICH
2 ANATOMICAL GIFTS MAY BE MADE, FOR MANNER OF EXECUTING
3 ANATOMICAL GIFTS, FOR RIGHTS AND DUTIES AT DEATH, FOR
4 REQUESTS FOR ANATOMICAL GIFTS, FOR USE OF DRIVER'S LICENSE OR
5 IDENTIFICATION CARD TO INDICATE ORGAN OR TISSUE DONATION, FOR
6 THE GOVERNOR ROBERT P. CASEY MEMORIAL ORGAN AND TISSUE
7 DONATION AWARENESS TRUST FUND CONTRIBUTIONS, FOR THE GOVERNOR
8 ROBERT P. CASEY MEMORIAL ORGAN AND TISSUE DONATION AWARENESS
9 TRUST FUND, FOR CONFIDENTIALITY REQUIREMENT AND FOR
10 PROHIBITED ACTIVITIES, PROVIDING FOR PROMOTION OF ORGAN AND
11 TISSUE DONATION, ESTABLISHING THE DONATE LIFE PA REGISTRY,
12 PROVIDING FOR FACILITATION OF ANATOMICAL GIFT FROM DECEDENT
13 WHOSE DEATH IS UNDER INVESTIGATION, FOR COLLABORATION AMONG
14 DEPARTMENTS AND ORGAN PROCUREMENT ORGANIZATIONS, FOR
15 REQUIREMENTS FOR PHYSICIAN AND NURSE TRAINING RELATIVE TO
16 ORGAN AND TISSUE DONATION AND RECOVERY, FOR DEPARTMENT OF
17 TRANSPORTATION, FOR DEPARTMENT OF CORRECTIONS, FOR STUDY OF
18 ORGAN PROCUREMENT ORGANIZATIONS AND FOR RELATION TO
19 ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT,
20 REPEALING PROVISIONS RELATING TO CORNEAL TRANSPLANTS AND
21 PROVIDING FOR VASCULARIZED COMPOSITE ALLOGRAFTS.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 ~~Section 1. The definitions of "advisory committee," "bank or <--~~
25 ~~storage facility," "decedent," "fund" and "organ procurement~~
26 ~~organization" in section 8601 of Title 20 of the Pennsylvania~~
27 ~~Consolidated Statutes are amended and the section is amended by~~
28 ~~adding definitions to read:~~

29 ~~§ 8601. Definitions.~~

30 ~~The following words and phrases when used in this chapter~~
31 ~~shall have the meanings given to them in this section unless the~~
32 ~~context clearly indicates otherwise:~~

33 ~~* * *~~

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

35 ~~"Advance health care directive." As defined in section 5422~~
36 ~~(relating to definitions).~~

37 ~~"Advisory committee." The Organ and Tissue Donation Advisory~~
38 ~~Committee established under section 8622 (relating to The~~
39 ~~Governor Robert P. Casey Memorial Organ and Tissue Donation~~
40 ~~Awareness Trust Fund).~~

1 ~~"Agent." Any of the following:~~

2 ~~(1) An individual authorized to make health care~~
3 ~~decisions on a principal's behalf under Subchapter C of~~
4 ~~Chapter 54 (relating to health care agents and~~
5 ~~representatives).~~

6 ~~(2) An individual expressly authorized to make an~~
7 ~~anatomical gift on a principal's behalf by any other record~~
8 ~~signed by the principal.~~

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

12 ~~["Bank or storage facility." A facility licensed, accredited~~
13 ~~or approved under the laws of any state for storage of human~~
14 ~~bodies or parts thereof.]~~

15 * * *

16 ~~"Decedent." [A deceased individual, including a stillborn~~
17 ~~infant or fetus.] A deceased individual whose body or part is or~~
18 ~~may be the source of an anatomical gift. The term includes a~~
19 ~~stillborn infant and, subject to restrictions imposed by other~~
20 ~~laws, a fetus. The term does not include a blastocyst, embryo or~~
21 ~~fetus that is the subject of an induced abortion.~~

22 ~~"Document of gift." A donor card or other record used to~~
23 ~~make, amend or revoke an anatomical gift. The term includes a~~
24 ~~statement or symbol on a driver's license or identification card~~
25 ~~or in a donor registry.~~

26 ~~"Donate Life PA Registry." That subset of persons in the~~
27 ~~Department of Transportation's driver's license and photo~~
28 ~~identification card database who have elected to include the~~
29 ~~donor designation on their record. This term shall not refer to~~
30 ~~a separate database.~~

1 * * *

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

4 ~~"Eye bank." A person that is licensed, accredited or~~
5 ~~regulated under Federal or State law to engage in the recovery,~~
6 ~~screening, testing, processing, storage or distribution of human~~
7 ~~eyes or portions of human eyes.~~

8 ~~"Fund." The Governor Robert P. Casey Memorial Organ and~~
9 ~~Tissue Donation Awareness Trust Fund established under section~~
10 ~~8622 [(relating to The Governor Robert P. Casey Memorial Organ~~
11 ~~and Tissue Donation Awareness Trust Fund)].~~

12 * * *

13 ~~"Hospital administrator." An individual appointed by a~~
14 ~~hospital's governing body to act on its behalf in the overall~~
15 ~~management of the hospital. The term includes a designee of the~~
16 ~~individual.~~

17 ~~"Know." To have actual knowledge. When the word "known" is~~
18 ~~used as an adjective to modify a term, the meaning is that there~~
19 ~~is actual knowledge about the modified term.~~

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

21 ~~"Organ." A human organ as defined in 42 CFR 121.2 (relating~~
22 ~~to definitions).~~

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

28 * * *

29 ~~"Person authorized or obligated to dispose of a decedent's~~
30 ~~body." Any of the following, without regard to order of~~

1 ~~priority:~~

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

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

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

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

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

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

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

19 * * *

20 ~~"Procurement organization." An organ procurement~~
21 ~~organization, eye bank or tissue bank.~~

22 ~~"Program coordinator." The Organ and Tissue Donation~~
23 ~~Awareness Program Coordinator established in section 8622.~~

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

28 ~~"Reasonably available." Able to be contacted by a~~
29 ~~procurement organization with reasonable effort and willing and~~
30 ~~able to exercise the decision to refuse or to authorize~~

1 ~~anatomical donation in a timely manner consistent with existing~~
2 ~~medical 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." A portion of the human body other than an organ or~~
10 ~~an eye. The term does not include blood, unless the blood is~~
11 ~~donated for the purpose of research or education.~~

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

16 * * *

17 ~~Section 2. Section 8611(a), (b) and (c) of Title 20 are~~
18 ~~amended and the section is amended by adding a subsection to~~
19 ~~read:~~

20 ~~§ 8611. Persons who may execute anatomical gift.~~

21 ~~(a) General rule. Any individual of sound mind and 18 years~~
22 ~~of age or more may give all or any part of his body for any~~
23 ~~purpose specified in section 8612 (relating to persons who may~~
24 ~~become donees; purposes for which anatomical gifts may be made),~~
25 ~~the gift to take effect upon death. [Any] An agent [acting under~~
26 ~~a power of attorney which authorizes the agent to make~~
27 ~~anatomical gifts] may effectuate a gift for any purpose~~
28 ~~specified in section 8612. Any individual who is a minor and 16~~
29 ~~years of age or older may effectuate a gift for any purpose~~
30 ~~specified in section 8612, provided parental or guardian consent~~

1 ~~is deemed given. Parental or guardian consent shall be noted on~~
2 ~~the minor's donor card, application for the donor's learner's~~
3 ~~permit or driver's license or other document of gift. A gift of~~
4 ~~the whole body shall be invalid unless made in writing at least~~
5 ~~15 days prior to the date of death or consent is obtained from~~
6 ~~the legal next of kin. Where there are adult children of the~~
7 ~~deceased who are not children of the surviving spouse, their~~
8 ~~consent shall also be required for a gift of the whole body for~~
9 ~~anatomical study.~~

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

19 ~~[(1) The spouse.~~

20 ~~(2) An adult son or daughter.~~

21 ~~(3) Either parent.~~

22 ~~(4) An adult brother or sister.~~

23 ~~(5) A guardian of the person of the decedent at the time~~
24 ~~of his death.~~

25 ~~(6) Any other person authorized or under obligation to~~
26 ~~dispose of the body.]~~

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

29 ~~(2) The spouse of the decedent, unless an action for~~
30 ~~divorce is pending.~~

1 ~~(3) An adult child of the decedent.~~

2 ~~(4) A parent of the decedent.~~

3 ~~(5) An adult sibling of the decedent.~~

4 ~~(6) A guardian of the person of the decedent.~~

5 ~~(7) An adult grandchild of the decedent.~~

6 ~~(8) A grandparent of the decedent.~~

7 ~~(9) Any other person related to the decedent by blood,~~
8 ~~marriage or adoption or a person with an established~~
9 ~~relationship with, and who exhibited special care and concern~~
10 ~~for, the decedent.~~

11 ~~(10) A person authorized or obligated to dispose of the~~
12 ~~decedent's body.~~

13 ~~(b.1) Anatomical gift prohibited. An individual shall be~~
14 ~~excluded from the classes listed in subsection (b) if, before an~~
15 ~~incision has been made to remove a part from the prospective~~
16 ~~donor's body or before invasive procedures have begun to prepare~~
17 ~~an intended recipient, any of the following apply:~~

18 ~~(1) The district attorney notifies the organ procurement~~
19 ~~organization that the individual is a suspect or person of~~
20 ~~interest in causing the disease, illness, injury or condition~~
21 ~~of the prospective donor.~~

22 ~~(2) The district attorney or a law enforcement officer~~
23 ~~notifies the organ procurement organization that the~~
24 ~~individual is the subject of a protection from abuse or any~~
25 ~~similar order from a court that was issued to the prospective~~
26 ~~donor.~~

27 ~~(3) The district attorney or a law enforcement officer~~
28 ~~notifies the organ procurement organization that the~~
29 ~~individual has actually been arrested or detained in~~
30 ~~connection with the condition of the prospective donor.~~

1 ~~(c) Donee not to accept in certain cases. [If the]~~

2 ~~(1) The donee may not accept a gift under any of the~~
3 ~~following circumstances:~~

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

6 ~~(ii) The donee knows that a gift by a member of a~~
7 ~~class is opposed by a reasonably available member of [the~~
8 ~~same or] a prior class[, the donee shall not accept the~~
9 ~~gift].~~

10 ~~(iii) The donee knows that a gift by a member of a~~
11 ~~class is opposed by at least 50% of the reasonably~~
12 ~~available members of the same class.~~

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

15 * * *

16 Section 3. Section 8612 of Title 20 is amended to read:

17 ~~§ 8612. Persons who may become donees; purposes for which~~
18 ~~anatomical gifts may be made.~~

19 ~~[The following persons may become donees of gifts of bodies~~
20 ~~or parts thereof for any of the purposes stated:~~

21 ~~(1) Any hospital, surgeon or physician for medical or~~
22 ~~dental education, research, advancement of medical or dental~~
23 ~~science, therapy or transplantation.~~

24 ~~(2) Any accredited medical or dental school, college or~~
25 ~~university for education, research, advancement of medical or~~
26 ~~dental science or therapy.~~

27 ~~(3) Any bank or storage facility for medical or dental~~
28 ~~education, research, advancement of medical or dental~~
29 ~~science, therapy or transplantation.~~

30 ~~(4) Any specified individual for therapy or~~

1 ~~transplantation needed by him.~~

2 ~~(5) The board.]~~

3 ~~(a) Donees. An anatomical gift may be made to any of the~~
4 ~~following persons named in the document of gift:~~

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

6 ~~(i) A hospital.~~

7 ~~(ii) An accredited medical school, dental school,~~
8 ~~college or university.~~

9 ~~(iii) The board.~~

10 ~~(iv) An organ procurement organization.~~

11 ~~(v) Any other appropriate person as permitted by~~
12 ~~law.~~

13 ~~(2) Subject to subsection (b), an individual designated~~
14 ~~by the person making the anatomical gift if the individual is~~
15 ~~the recipient of the part.~~

16 ~~(3) A procurement organization.~~

17 ~~(b) Directed donation. If an anatomical gift to an~~
18 ~~individual under subsection (a) (2) cannot be transplanted into~~
19 ~~the individual, the part shall pass in accordance with~~
20 ~~subsection (c) if authorized by the person making the anatomical~~
21 ~~gift.~~

22 ~~(c) Organ for transplant or therapy. An anatomical gift of~~
23 ~~an organ for transplantation or therapy, other than an~~
24 ~~anatomical gift under subsection (a) (2), shall pass to the organ~~
25 ~~procurement organization.~~

26 ~~(d) Default. If the intended purpose or recipient of an~~
27 ~~anatomical gift is not known, the following shall apply:~~

28 ~~(1) If the part is an eye, the gift shall pass to the~~
29 ~~appropriate eye bank.~~

30 ~~(2) If the part is tissue, the gift shall pass to the~~

1 ~~appropriate tissue bank.~~

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

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

6 ~~(c) Multiple purposes. If there is more than one purpose of~~
7 ~~an anatomical gift set forth in the document of gift but the~~
8 ~~purposes are not set forth in any priority, the gift shall be~~
9 ~~used for transplantation or therapy, if suitable and enumerated~~
10 ~~in the document of gift, and shall pass to the appropriate~~
11 ~~procurement organization. If the gift cannot be used for~~
12 ~~transplantation or therapy, the gift may be used for other~~
13 ~~lawful purposes enumerated in the document of gift.~~

14 ~~(f) Unspecified purpose. If an anatomical gift is made in a~~
15 ~~document of gift that does not name a person described in~~
16 ~~subsection (a) and does not identify the purpose of the gift,~~
17 ~~the gift may be used only for transplantation or therapy, and~~
18 ~~the gift shall pass in accordance with subsection (d).~~

19 ~~(g) Effect of gift. An anatomical gift of a part is neither~~
20 ~~a refusal to give another part nor a limitation on the making of~~
21 ~~an anatomical gift of another part or making an anatomical gift~~
22 ~~for another purpose at a later time by the donor or another~~
23 ~~person.~~

24 ~~Section 4. Section 8613(b), (d) and (e) of Title 20 are~~
25 ~~amended and the section is amended by adding subsections to~~
26 ~~read:~~

27 ~~§ 8613. Manner of executing anatomical gifts.~~

28 ~~* * *~~

29 ~~(b) Gifts by other documents. [A gift of all or part of the~~
30 ~~body under section 8611(a) may also be made by document other~~

1 ~~than a will.] An anatomical gift may be made by other document,~~
2 ~~including by authorizing a statement or symbol indicating that~~
3 ~~the donor has made an anatomical gift, which shall be recorded~~
4 ~~in a donor registry or on the donor's driver's license or~~
5 ~~identification card. The gift becomes effective upon the death~~
6 ~~of the donor. The document, which may be a card designed to be~~
7 ~~carried on the person, must be signed by the donor [in the~~
8 ~~presence of two witnesses who must sign the document in his~~
9 ~~presence]. If the donor is mentally competent to signify his~~
10 ~~desire to sign the document but is physically unable to do so,~~
11 ~~the document may be signed for him by another at his direction~~
12 ~~and in his presence in the presence of two witnesses who must~~
13 ~~sign the document in his presence. Delivery of the document of~~
14 ~~gift during the donor's lifetime is not necessary to make the~~
15 ~~gift valid. If an anatomical gift is indicated on a driver's~~
16 ~~license or an identification card, the anatomical gift is not~~
17 ~~invalidated by revocation, suspension, expiration or~~
18 ~~cancellation of:~~

19 ~~(1) the driver's license under 75 Pa.C.S. Ch. 15-~~
20 ~~(relating to licensing of drivers); or~~

21 ~~(2) the identification card by the Department of~~
22 ~~Transportation.~~

23 * * *

24 ~~{(d) Designation of person to carry out procedures.—~~
25 ~~Notwithstanding section 8616(b) (relating to rights and duties~~
26 ~~at death), the donor may designate in his will, card or other~~
27 ~~document of gift the surgeon or physician to carry out the~~
28 ~~appropriate procedures. In the absence of a designation or if~~
29 ~~the designee is not available, the donee or other person~~
30 ~~authorized to accept the gift may employ or authorize any~~

1 ~~surgeon or physician for the purpose, or, in the case of a gift~~
2 ~~of eyes, he may employ or authorize a person who is a funeral~~
3 ~~director licensed by the State Board of Funeral Directors, an~~
4 ~~eye bank technician or medical student, if the person has~~
5 ~~successfully completed a course in eye enucleation approved by~~
6 ~~the State Board of Medical Education and Licensure, or an eye~~
7 ~~bank technician or medical student trained under a program in~~
8 ~~the sterile technique for eye enucleation approved by the State~~
9 ~~Board of Medical Education and Licensure to enucleate eyes for~~
10 ~~an eye bank for the gift after certification of death by a~~
11 ~~physician. A qualified funeral director, eye bank technician or~~
12 ~~medical student acting in accordance with the terms of this~~
13 ~~subsection shall not have any liability, civil or criminal, for~~
14 ~~the eye enucleation.]~~

15 ~~(d.1) Reliance. A person may rely on a document of gift or~~
16 ~~amendment thereto as being valid unless that person knows that~~
17 ~~it was not validly executed or was revoked.~~

18 ~~(e) Consent not necessary. [If a donor card, donor driver's~~
19 ~~license, living will, durable power of attorney or other~~
20 ~~document of gift evidencing a gift of organs or tissue has been~~
21 ~~executed,] A donor's gift of all or any part of the individual's~~
22 ~~body, including a designation in a registry on a driver's~~
23 ~~license or identification card, donor card, advance health care~~
24 ~~directive, will or other document of gift, may not be revoked by~~
25 ~~the next of kin or other persons identified in section 8611(b).~~
26 ~~The consent of any person [designated in section 8611(b)] at the~~
27 ~~time of the donor's death or immediately thereafter is not~~
28 ~~necessary to render the gift valid and effective.~~

29 ~~* * *~~

30 ~~(g) Validity. A document of gift is valid if executed in~~

1 ~~accordance with:~~

2 ~~(1) this chapter;~~

3 ~~(2) the law of the state or country where it was~~
4 ~~executed; or~~

5 ~~(3) the law of the state or country where, at the time~~
6 ~~of execution of the document of gift, the person making the~~
7 ~~anatomical gift:~~

8 ~~(i) is domiciled;~~

9 ~~(ii) has a place of residence; or~~

10 ~~(iii) is a citizen.~~

11 ~~(h) Choice of law. If a document of gift is valid under~~
12 ~~this section, the law of this Commonwealth governs~~
13 ~~interpretation of the document.~~

14 ~~(i) Refusals. An individual may refuse to make an~~
15 ~~anatomical gift of the individual's body or part by a writing or~~
16 ~~record signed in the same manner as a document of gift or any~~
17 ~~other writing or record used to identify the individual as~~
18 ~~refusing to make an anatomical gift. An individual's unrevoked~~
19 ~~refusal to make an anatomical gift of the individual's body or~~
20 ~~part bars all other persons from making an anatomical gift of~~
21 ~~the individual's body or part.~~

22 Section 5. Section 8615 of Title 20 is amended by adding
23 subsections to read:

24 § 8615. Amendment or revocation of gift.

25 * * *

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

1 ~~technician knows of the revocation.~~

2 ~~(e) Revocation not a refusal. A revocation made under this~~
3 ~~chapter shall not be considered a known objection or refusal to~~
4 ~~make a gift of one's body or a part of one's body nor a~~
5 ~~prohibition against a person described in section 8611(b)~~
6 ~~(relating to persons who may execute anatomical gift) making~~
7 ~~such gift.~~

8 Section 6. 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. A person
23 making an anatomical gift or a donor's estate shall not 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), a procurement organization is authorized to~~
6 ~~obtain a copy of an autopsy report in a timely fashion upon~~
7 ~~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 ~~(c) 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~~

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

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

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

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

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

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

~~(b) Referrals. If an organ procurement organization receives a referral of an individual whose death is imminent or 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. The notification shall be performed in~~
22 ~~accordance with a protocol that encourages discretion and~~
23 ~~sensitivity to family circumstances in all discussions~~
24 ~~regarding donations of tissue or organs. The protocol shall~~
25 ~~take into account the deceased's religious beliefs or~~
26 ~~nonsuitability for organ and tissue donation.~~

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

30 ~~(i) whether or not a document of gift is known to~~

1 ~~exist or whether a gift was made; and~~

2 ~~(ii) if a gift was made, the name of the person~~
3 ~~granting the gift and that person's relationship to the~~
4 ~~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~~

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

~~(B) ascertained that the individual made a gift or expressed a known objection to making a gift.~~

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

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

~~(f.1) Recipients.~~

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

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

~~(f.2) Physicians.~~

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

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

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

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

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

~~(g) Death record review.~~

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

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

~~(i) The [Department of Health] department shall select to carry out the review the Commonwealth licensed organ procurement organization designated by the [Health 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. The Department of Transportation shall~~
21 ~~redesign the driver's license and identification card~~
22 ~~application system to process requests for information regarding~~
23 ~~consent of the individual to organ or tissue donation. The~~
24 ~~following question shall be asked on both the application for a~~
25 ~~driver's license or identification card and on the organ donor~~
26 ~~designation at a photo center:~~

27 ~~Pennsylvania strongly supports organ and tissue donation~~
28 ~~because of its life saving and life enhancing~~
29 ~~opportunities.~~

30 ~~Do you wish to have the organ donor designation printed~~

1 ~~on your driver's license?~~
2 ~~Only an affirmative response of an individual shall be noted on~~
3 ~~the front of the driver's license or identification card and~~
4 ~~shall clearly indicate the individual's intent to donate his~~
5 ~~organs or tissue. A notation on an individual's driver's license~~
6 ~~or identification card that he intends to donate his organs or~~
7 ~~tissue is deemed sufficient to satisfy all requirements for~~
8 ~~consent to organ or tissue donation. The department shall record~~
9 ~~and store all donor designations in the Donate Life PA Registry.~~
10 ~~The recorded and stored designation is sufficient to satisfy all~~
11 ~~requirements for consent to organ and tissue donation. The~~
12 ~~recorded and stored designation is not a public record subject~~
13 ~~to disclosure as defined in section 102 of the act of February~~
14 ~~14, 2008 (P.L.6, No.3), known as the Right to Know Law.~~

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

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

6 ~~§ 8621. The Governor Robert P. Casey Memorial Organ and Tissue~~
7 ~~Donation Awareness Trust Fund contributions.~~

8 ~~(a) Driver's license.—~~

9 ~~(1) Beginning as soon as practicable, but no later than~~
10 ~~[January 1, 1995] 10 months after the effective date of this~~
11 ~~paragraph, the Department of Transportation shall provide an~~
12 ~~applicant for an original or renewal driver's license or~~
13 ~~identification card the opportunity to make a contribution of~~
14 ~~[\$1] \$3 to the fund. The contribution shall be added to the~~
15 ~~regular fee for an original or renewal driver's license or~~
16 ~~identification card. One contribution may be made for each~~
17 ~~issuance or renewal of a license or identification card.—~~
18 ~~Contributions shall be used exclusively for the purposes set~~
19 ~~out in section 8622 (relating to The Governor Robert P. Casey~~
20 ~~Memorial Organ and Tissue Donation Awareness Trust Fund).~~

21 ~~(2) The Department of Transportation shall monthly~~
22 ~~determine the total amount designated under this section and~~
23 ~~shall report that amount to the State Treasurer, who shall~~
24 ~~transfer that amount to [The Governor Robert P. Casey~~
25 ~~Memorial Organ and Tissue Donation Awareness Trust Fund] the~~
26 ~~fund.~~

27 ~~(3) The fund shall reimburse the Department of~~
28 ~~Transportation for the costs incurred in the initial~~
29 ~~development and implementation of the contribution program,~~
30 ~~as well as any additional costs that may arise from changes~~

1 ~~that are agreed to by both the department and the Organ and~~
2 ~~Tissue Donation Advisory Committee.~~

3 ~~(b) Vehicle registration. [The]~~

4 ~~(1) Beginning as soon as practicable, but no later than~~
5 ~~10 months after the effective date of this paragraph, the~~
6 ~~Department of Transportation shall provide an applicant for a~~
7 ~~renewal vehicle registration the opportunity to make a~~
8 ~~contribution of [\$1] \$3 to [The Governor Robert P. Casey~~
9 ~~Memorial Organ and Tissue Donation Awareness Trust Fund] the~~
10 ~~fund. The contribution shall be added to the regular fee for~~
11 ~~a renewal of a vehicle registration. One contribution may be~~
12 ~~made for each renewal vehicle registration. Contributions~~
13 ~~shall be used exclusively for the purposes described in~~
14 ~~section 8622.~~

15 ~~(2) The Department of Transportation shall monthly~~
16 ~~determine the total amount designated under this section and~~
17 ~~shall report that amount to the State Treasurer, who shall~~
18 ~~transfer that amount to [The Governor Robert P. Casey~~
19 ~~Memorial Organ and Tissue Donation Awareness Trust Fund] the~~
20 ~~fund.~~

21 ~~(3) The [Governor Robert P. Casey Memorial Organ and~~
22 ~~Tissue Donation Awareness Trust Fund] fund shall reimburse~~
23 ~~the department for the initial costs incurred in the~~
24 ~~development and implementation of the contribution program~~
25 ~~[under this subsection.], as well as any additional costs~~
26 ~~that may arise from changes that are agreed to by both the~~
27 ~~department and the Organ and Tissue Donation Advisory~~
28 ~~Committee.~~

29 ~~(4) The General Fund shall reimburse the Department of~~
30 ~~Transportation for the actual annual operating costs of the~~

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

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

21 ~~§ 8622. The Governor Robert P. Casey Memorial Organ and Tissue~~
22 ~~Donation Awareness Trust Fund.~~

23 ~~(a) Establishment. All contributions received by the~~
24 ~~Department of Transportation under section 8621 (relating to The~~
25 ~~Governor Robert P. Casey Memorial Organ and Tissue Donation~~
26 ~~Awareness Trust Fund contributions) [and the Department of~~
27 ~~Revenue under section 8618 (relating to voluntary contribution~~
28 ~~system)] and the Department of Health under section 8617~~
29 ~~(relating to requests for anatomical gifts) shall be deposited~~
30 ~~into a special fund in the State Treasury to be known as The~~

1 ~~Governor Robert P. Casey Memorial Organ and Tissue Donation~~
2 ~~Awareness Trust Fund, which is hereby established.~~

3 ~~(b) Appropriation. All [moneys] money deposited in the fund~~
4 ~~and interest which accrues from [those funds are] the money in~~
5 ~~the fund is appropriated on a continuing basis subject to the~~
6 ~~approval of the Governor to compensate the Department of~~
7 ~~Transportation, the Department of Health and the Department of~~
8 ~~Revenue for actual costs related to implementation of this~~
9 ~~chapter, including all costs of the Organ and Tissue Donation~~
10 ~~Advisory Committee created in subsection [(c)] (c.1). Any~~
11 ~~remaining [funds are] money is appropriated subject to the~~
12 ~~approval of the Governor for the following purposes:~~

13 ~~(1) [10%] Ten percent of the total fund may be expended~~
14 ~~annually by the Department of Health for reasonable hospital~~
15 ~~and other medical expenses, funeral expenses and incidental~~
16 ~~expenses incurred by the donor or donor's family in~~
17 ~~connection with making [a vital organ donation.] an organ or~~
18 ~~tissue donation, along with programming, to provide support~~
19 ~~services to organ and tissue donors and their families, such~~
20 ~~as bereavement counseling services. Such expenditures shall~~
21 ~~not exceed \$3,000 per donor and shall only be made directly~~
22 ~~to the funeral home, hospital or other service provider~~
23 ~~related to the donation. No part of the fund shall be~~
24 ~~transferred directly to the donor's family, next of kin or~~
25 ~~estate. The advisory committee shall develop procedures,~~
26 ~~including the development of a pilot program, necessary for~~
27 ~~effectuating the purposes of this paragraph.~~

28 ~~(2) [50%] Fifty percent may be expended for grants to~~
29 ~~certified organ procurement organizations for the development~~
30 ~~and implementation of organ donation awareness programs in~~

1 ~~this Commonwealth. The Department of Health shall develop and~~
2 ~~administer this grant program, which is hereby established.~~

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

12 ~~(4) [25%] Twenty five percent may be expended by the~~
13 ~~Department of Education for the implementation of organ~~
14 ~~donation awareness programs in the secondary schools in this~~
15 ~~Commonwealth.~~

16 ~~{(c) Advisory committee. The Organ Donation Advisory~~
17 ~~Committee is hereby established, with membership as follows:~~

18 ~~(1) Two representatives of organ procurement~~
19 ~~organizations.~~

20 ~~(2) Two representatives of tissue procurement providers.~~

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

23 ~~(4) Three representatives of acute care hospitals.~~

24 ~~(5) One representative of the Department of Health.~~

25 ~~(6) One representative of eye banks.~~

26 ~~All members shall be appointed by the Governor. Appointments~~
27 ~~shall be made in a manner that provides representation of the~~
28 ~~northwest, north central, northeast, southwest, south central~~
29 ~~and southeast regions of this Commonwealth. Members shall serve~~
30 ~~five year terms. The Governor may reappoint advisory committee~~

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

19 ~~(c.1) Advisory committee.~~

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

22 ~~(i) The Secretary of Education or a designee.~~

23 ~~(ii) The Secretary of Health or a designee.~~

24 ~~(iii) The Secretary of Transportation or a designee.~~

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

27 ~~(v) Two representatives of tissue procurement~~
28 ~~providers.~~

29 ~~(vi) Six members representative of:~~

30 ~~(A) organ, tissue and eye recipients;~~

1 ~~(B) families of recipients;~~

2 ~~(C) donors; and~~

3 ~~(D) families of donors.~~

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

6 ~~(A) licensed in this Commonwealth; and~~

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

10 ~~(viii) One representative of eye banks.~~

11 ~~(ix) One representative of community health~~
12 ~~organizations.~~

13 ~~(x) One elected county coroner of this Commonwealth.~~

14 ~~(xi) The Majority Leader and Minority Leader of the~~
15 ~~Senate and the Majority Leader and Minority Leader of the~~
16 ~~House of Representatives or their designees.~~

17 ~~(2) A member under paragraph (1) (i), (ii) and (iii)~~
18 ~~shall serve ex officio.~~

19 ~~(3) For a member under paragraph (1) (iv), (v), (vi),~~
20 ~~(vii), (viii), (ix) and (x), the following apply:~~

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

26 ~~(ii) The members shall serve five year terms.~~

27 ~~(iii) The Governor may reappoint an advisory~~
28 ~~committee member for successive terms.~~

29 ~~(iv) A member shall remain in office until a~~
30 ~~successor is appointed and qualified.~~

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

5 ~~(4) The advisory committee shall meet at least~~
6 ~~biannually to do all of the following:~~

7 ~~(i) Review progress in the area of organ and tissue~~
8 ~~donation in this Commonwealth.~~

9 ~~(ii) Recommend education and awareness training~~
10 ~~programs.~~

11 ~~(iii) Recommend priorities in expenditures from the~~
12 ~~fund.~~

13 ~~(iv) Advise the Secretary of Health on matters~~
14 ~~relating to administration of the fund.~~

15 ~~(v) Recommend legislation as necessary to fulfill~~
16 ~~the purposes of this chapter.~~

17 ~~(5) The advisory committee shall submit a report~~
18 ~~concerning the advisory committee's activities and progress~~
19 ~~to the Secretary of the Senate and the Chief Clerk of the~~
20 ~~House of Representatives by October 31 of each even numbered~~
21 ~~year.~~

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

26 ~~(d) Reports. The Department of Health, the Department of~~
27 ~~Transportation and the Department of Education shall submit an~~
28 ~~annual report to the General Assembly on expenditures of fund~~
29 ~~[moneys] money and any progress made in [reducing the number of~~
30 ~~potential donors who were not identified] increasing the number~~

1 ~~of donor designations.~~

2 ~~{(e) Definition. As used in this section, the term "vital~~
3 ~~organ" means a heart, lung, liver, kidney, pancreas, small~~
4 ~~bowel, large bowel or stomach for the purpose of~~
5 ~~transplantation.}~~

6 ~~(f) Lead Commonwealth agency.~~

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

12 ~~(2) Within the Department of Health there is established~~
13 ~~a full time position of Organ and Tissue Donation Awareness~~
14 ~~Program Coordinator. The following apply:~~

15 ~~(i) The Department of Health shall be reimbursed by~~
16 ~~the fund for the actual cost of the program coordinator~~
17 ~~position.~~

18 ~~(ii) The program coordinator has the following~~
19 ~~powers and duties:~~

20 ~~(A) Assist in administration of the fund.~~

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

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

1 ~~(D) Assist designated organ procurement~~
2 ~~organizations in their collaborations with other~~
3 ~~Commonwealth agencies.~~

4 ~~(E) Provide input to designated procurement~~
5 ~~organizations regarding training of individuals~~
6 ~~performing notifications under section 8617(c). Such~~
7 ~~training shall encourage discretion and sensitivity~~
8 ~~to family circumstances and the circumstances of the~~
9 ~~potential donor's death in all discussions regarding~~
10 ~~donations of tissue or organs and take into account~~
11 ~~the potential donor's religious beliefs or~~
12 ~~nonsuitability for organ and tissue donation.~~

13 ~~(F) Assist in resolving issues that may arise in~~
14 ~~hospitals in this Commonwealth regarding donation.~~

15 ~~§ 8623. Confidentiality requirement.~~

16 ~~{The identity of the donor and of the recipient may not be~~
17 ~~communicated unless expressly authorized by the recipient and~~
18 ~~next of kin of the decedent.}~~

19 ~~(a) General rule. Except as provided in subsection (b), no~~
20 ~~procurement organization may divulge any individually~~
21 ~~identifiable information acquired in the course of performing~~
22 ~~its responsibilities under this chapter except for the purposes~~
23 ~~of facilitating organ, eye or tissue donation and~~
24 ~~transplantation or as otherwise required under applicable laws.~~

25 ~~(b) Donors and recipients. A procurement organization may~~
26 ~~communicate individually identifiable information of the donor~~
27 ~~and recipient if expressly authorized by:~~

28 ~~(1) the recipient; and~~

29 ~~(2) if the donor is alive, the donor, or if the donor is~~
30 ~~deceased, the next of kin of the donor.~~

1 ~~§ 8624. Prohibited activities.~~

2 ~~[(a) Affiliates. No organ procurement organization selected~~
3 ~~by the Department of Health under section 8617(g) (relating to~~
4 ~~requests for anatomical gifts) to conduct annual death reviews~~
5 ~~may use that review authority or any powers or privileges~~
6 ~~granted thereby to coerce or attempt to coerce a hospital to~~
7 ~~select the organization or any tissue procurement provider~~
8 ~~contractually affiliated with the organization as a designated~~
9 ~~tissue procurement provider under section 8617(e).~~

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

20 ~~(c) Procurement organizations.~~

21 ~~(1) A procurement organization shall not do any of the~~
22 ~~following:~~

23 ~~(i) Disparage the services or business of another~~
24 ~~procurement organization by false or misleading~~
25 ~~representations of fact.~~

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

28 ~~(iii) Engage in unlawful competition or~~
29 ~~discrimination.~~

30 ~~(2) This subsection is not intended to restrict or~~

~~preclude an organ procurement organization from marketing or promoting its services in the normal course of business.~~

~~(d) Funeral establishments.~~

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

~~(i) remove body parts from a corpse;~~

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

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

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

~~(i) Removal is permissible if it is:~~

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

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

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

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

1 Section 7. Title 20 is amended by adding sections to read:
2 ~~§ 8625. Promotion of organ and tissue donation and Donate Life~~
3 ~~PA Registry established.~~

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

12 ~~(b) Paper form.~~

13 ~~(1) Within one year of the effective date of this~~
14 ~~section, the department shall establish a system which allows~~
15 ~~individuals who have been issued a driver's license or~~
16 ~~identification card to add their donor designation to the~~
17 ~~Donate Life PA Registry by submitting a form to the~~
18 ~~department.~~

19 ~~(2) Registration shall be provided at no cost to the~~
20 ~~registrant.~~

21 ~~(c) Donate Life PA Registry. That portion of the database~~
22 ~~maintained by the department for recording donor designations~~
23 ~~and Internet based interface established in this section shall~~
24 ~~be known as the Donate Life PA Registry.~~

25 ~~(d) Form and content. The form and content of the Internet~~
26 ~~based interface shall be maintained in collaboration with the~~
27 ~~designated procurement organizations.~~

28 ~~(e) Effect.~~

29 ~~(1) Donor information entered into the Donate Life PA~~
30 ~~Registry shall supersede prior conflicting information:~~

- 1 ~~(i) provided to the Donate Life PA Registry;~~
2 ~~(ii) on the individual's physical driver's license~~
3 ~~or identification card;~~
4 ~~(iii) on an advance health care directive;~~
5 ~~(iv) submitted under section 8611 (relating to~~
6 ~~persons who may execute anatomical gift); or~~
7 ~~(v) submitted under any other statutory provision.~~

8 ~~(2) Registration by a donor shall constitute sufficient~~
9 ~~authorization to donate organs and tissues for~~
10 ~~transplantation and therapy. Authorization of another person~~
11 ~~shall not be necessary to effectuate the anatomical gift.~~

12 ~~(f) Technology. An information technology system adopted by~~
13 ~~the department after the effective date of this section shall~~
14 ~~continue to accommodate the inclusion of donor designation~~
15 ~~information into the database and the ongoing operation of the~~
16 ~~Donate Life PA Registry.~~

17 ~~§ 8626. Facilitation of anatomical gift from decedent whose~~
18 ~~death is under investigation.~~

19 ~~(a) Coordination.—~~

20 ~~(1) Upon identification of a prospective donor, a~~
21 ~~procurement organization shall, within a reasonable time,~~
22 ~~notify the coroner or medical examiner of the county in which~~
23 ~~the prospective donor is located.~~

24 ~~(2) Upon notification as described in paragraph (1), a~~
25 ~~coroner or medical examiner intending to investigate a~~
26 ~~prospective donor's death shall, to the extent applicable and~~
27 ~~reasonable under the circumstances:~~

- 28 ~~(i) Notify the coroner or medical examiner of the~~
29 ~~county in which the cause precipitating the prospective~~
30 ~~donor's death is believed to have occurred, who shall~~

~~then cause the district attorney of the county to be notified in accordance with internal county protocols.~~

~~(ii) Notify the applicable procurement organization of any change in jurisdiction.~~

~~(3) Procurement organizations shall in all cases cooperate with the coroner or medical examiner in order to facilitate the preservation and collection of forensic evidence. Procurement organizations shall not move or cause to be moved a prospective donor without authorization of the coroner or medical examiner having jurisdiction. Upon request, a procurement organization shall provide or assist the coroner or medical examiner in obtaining:~~

~~(i) Medical records.~~

~~(ii) Photographs.~~

~~(iii) Specimens, including blood and tissue.~~

~~(iv) Laboratory and diagnostic test results.~~

~~(v) Any other available information.~~

~~(4) If applicable, the coroner or medical examiner shall timely notify the procurement organization of any additional requests from the coroner, medical examiner or district attorney of the county where the cause of death is believed to have occurred, including scheduling the recovery procedure to permit their attendance where the scheduling can be done in a time frame consistent with facilitating anatomical donation. Attendance may be in person or, if in person attendance is not possible in a time frame consistent with facilitating anatomical donation and, if available, by electronic communication which includes a live visual depiction of the recovery procedure.~~

~~(5) Notwithstanding the provisions of 18 Pa.C.S. Ch. 91~~

1 ~~(relating to criminal history record information), a coroner~~
2 ~~or medical examiner shall, upon request, release to the~~
3 ~~procurement organization the name, contact information and~~
4 ~~available medical history of a decedent whose death is under~~
5 ~~investigation.~~

6 ~~(b) Facilitation of donation. Where a coroner or medical~~
7 ~~examiner has jurisdiction in the case of a prospective organ or~~
8 ~~tissue donor, the coroner or medical examiner shall have the~~
9 ~~final authority to allow or disallow an anatomical gift and the~~
10 ~~following shall apply:~~

11 ~~(1) If the coroner or medical examiner is considering~~
12 ~~denying recovery of one or more organs or tissue intended for~~
13 ~~transplant or therapy, the coroner or medical examiner shall~~
14 ~~notify the applicable procurement organization.~~

15 ~~(2) For a denial to be valid, attendance of the coroner,~~
16 ~~medical examiner or designee may be in person or, if in~~
17 ~~person attendance is not possible in a time frame consistent~~
18 ~~with facilitating anatomical donation, attendance shall be by~~
19 ~~electronic communication which includes a live visual~~
20 ~~depiction of the recovery procedure. The following shall~~
21 ~~apply:~~

22 ~~(i) No removal of the organ or tissue shall occur if~~
23 ~~the coroner or medical examiner or designee has denied~~
24 ~~recovery in accordance with this section.~~

25 ~~(ii) The applicable procurement organization shall~~
26 ~~reimburse the coroner or medical examiner for the~~
27 ~~reasonable costs of attendance at the recovery procedure.~~

28 ~~(c) Report. If requested by the coroner, medical examiner~~
29 ~~or district attorney, the physician or technician recovering an~~
30 ~~organ under this section shall provide a report and, if~~

1 ~~necessary, be available to provide testimony in any proceeding,~~
2 ~~detailing the condition of the organ and the recovery procedure.~~
3 ~~Reasonable costs associated with a physician or technician's~~
4 ~~providing testimony under this section shall be paid by the~~
5 ~~designated procurement organization.~~

6 ~~(d) Timing. The requirements of this section shall be~~
7 ~~performed in a manner and time frame consistent with anatomical~~
8 ~~donation.~~

9 ~~§ 8627. Collaboration among departments and 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~~
15 ~~procurement organizations in applying for Federal or private~~
16 ~~grants recommended by the organ procurement organizations.~~

17 ~~(2) The department, in consultation with designated~~
18 ~~procurement organizations, shall establish an annual~~
19 ~~education program for photo license technicians of the~~
20 ~~department.~~

21 ~~(b) Discretionary. Other Commonwealth agencies may~~
22 ~~collaborate with the designated procurement organizations in~~
23 ~~applying for Federal or private grants recommended by the organ~~
24 ~~procurement organizations.~~

25 ~~§ 8628. Information relative to organ and tissue donation.~~

26 ~~(a) Curriculum. The Department of Education, in~~
27 ~~consultation with the designated procurement organizations,~~
28 ~~shall review the Commonwealth's educational curriculum framework~~
29 ~~to ensure that information about organ and tissue donation is~~
30 ~~included in the standards for students in grades 9 through 12~~

1 ~~beginning with the 2019-2020 school year.~~

2 ~~(b) Goals. The goals of the standards shall be to:~~

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

9 ~~(2) Fully address myths and misunderstandings regarding~~
10 ~~organ and tissue donation.~~

11 ~~(3) Explain the options available to minors and adults,~~
12 ~~including the option of designating oneself as an organ and~~
13 ~~tissue donor.~~

14 ~~(c) Materials. The department shall make related~~
15 ~~instructional materials available to public and nonpublic~~
16 ~~schools educating students in grades 9 through 12. The General~~
17 ~~Assembly shall encourage nonpublic schools to use the~~
18 ~~instructional materials. Nothing in this subsection shall be~~
19 ~~construed to require nonpublic schools to use the instructional~~
20 ~~materials.~~

21 ~~(d) Institutions of higher education.~~

22 ~~(1) Beginning with the 2019-2020 school year, each~~
23 ~~public institution of higher education in this Commonwealth~~
24 ~~shall provide, in collaboration with the designated~~
25 ~~procurement organizations, information to its students,~~
26 ~~either through student health services or as part of the~~
27 ~~curriculum, which:~~

28 ~~(i) emphasizes the benefits to the health and well-~~
29 ~~being of society and the lives that are saved through~~
30 ~~organ and tissue donations; and~~

1 ~~(ii) instills knowledge which will enable~~
2 ~~individuals to make informed decisions about registering~~
3 ~~to become an organ and tissue donor.~~

4 ~~(2) Beginning with the 2019-2020 school year, each~~
5 ~~private institution of higher education in this Commonwealth~~
6 ~~is encouraged to provide, in collaboration with the~~
7 ~~designated procurement organizations, information to its~~
8 ~~students, either through student health services or as part~~
9 ~~of the curriculum, which:~~

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

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

16 ~~§ 8629. Requirements for physician and nurse training relative~~
17 ~~to organ and tissue donation and recovery.~~

18 ~~(a) Regulations. The State Board of Medicine, the State~~
19 ~~Board of Osteopathic Medicine and the State Board of Nursing~~
20 ~~shall, in collaboration with the designated procurement~~
21 ~~organizations, promulgate regulations stating the following~~
22 ~~requirements for physician and professional nurse training:~~

23 ~~(1) The curriculum in each college of medicine or~~
24 ~~osteopathy or educational program of professional nursing in~~
25 ~~this Commonwealth shall include two hours of instruction in~~
26 ~~organ and tissue donation and recovery designed to address~~
27 ~~clinical aspects of the donation and recovery process.~~

28 ~~(2) Successful completion of organ and tissue donation~~
29 ~~and recovery instruction under paragraph (1) shall be~~
30 ~~required as a condition of receiving the degree of doctor of~~

~~1 medicine or doctor of osteopathy or a degree in professional
2 nursing, in this Commonwealth.~~

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

~~7 (b) Statement of policy. The State Board of Medicine, the
8 State Board of Osteopathic Medicine and the State Board of
9 Nursing shall issue a statement of policy encouraging physicians
10 and nurses who, prior to the effective date of this section,
11 were not required to receive and did not receive instruction in
12 organ and tissue donation and recovery as part of a medical,
13 osteopathic or nursing school curriculum to complete the
14 training within three years after the effective date of this
15 section. The training may be completed through an online,
16 credit based course developed by or for the designated
17 procurement organizations, in collaboration with representative
18 professional medical, osteopathic and nursing organizations in
19 this Commonwealth.~~

~~20 § 8630. Uniformity of application and construction.~~

~~21 In applying and construing the provisions of this chapter,
22 consideration shall be given to the need to promote uniformity
23 of the law with respect to its subject matter among those states
24 which enact a uniform act.~~

~~25 § 8631. Relation to Electronic Signatures in Global and
26 National Commerce Act.~~

~~27 This chapter modifies, limits and supersedes the Electronic
28 Signatures in Global and National Commerce Act (Public Law 106-
29 229, 15 U.S.C. § 7001 et seq.). This chapter shall not modify,
30 limit or supersede section 101(c) of the Electronic Signatures~~

1 ~~in Global and National Commerce Act or authorize electronic~~
2 ~~delivery of any of the notices described in section 103(b) of~~
3 ~~the Electronic Signatures in Global and National Commerce Act.~~
4 ~~§ 8632. Study of organizations.~~

5 ~~(a) Study. The Legislative Budget and Finance Committee~~
6 ~~shall conduct a study and evaluation of the funding of certified~~
7 ~~organ procurement organizations operating in this Commonwealth.~~
8 ~~The study shall include an analysis of the following:~~

9 ~~(1) Expenditures which utilize grants from the~~
10 ~~Department of Health under section 8622(b) (relating to The~~
11 ~~Governor Robert P. Casey Memorial Organ and Tissue Donation~~
12 ~~Awareness Trust Fund).~~

13 ~~(2) A breakdown of all sources of income received by~~
14 ~~each organ procurement organization.~~

15 ~~(3) The percentage of money used for the following:~~

16 ~~(i) lobbying expenses;~~

17 ~~(ii) number of staff and salary ranges;~~

18 ~~(iii) fundraising activities and amounts raised;~~

19 ~~(iv) money received from other health or disease~~
20 ~~related organizations;~~

21 ~~(v) assets, including real estate, as reported on~~
22 ~~the Federal 990 tax return;~~

23 ~~(vi) auditing requirements or rules utilized by the~~
24 ~~organization; and~~

25 ~~(vii) information relating to Federal contracts or~~
26 ~~contracts with other states.~~

27 ~~(b) Date. The study under subsection (a) shall be completed~~
28 ~~within one year of the effective date of this subsection. Copies~~
29 ~~shall be submitted to the following:~~

30 ~~(1) The Health and Human Services Committee of the~~

1 Senate.

2 ~~(2) The Judiciary Committee of the Senate.~~

3 ~~(3) The Health Committee of the House of~~
4 ~~Representatives.~~

5 ~~(4) The Judiciary Committee of the House of~~
6 ~~Representatives.~~

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

9 ~~[SUBCHAPTER C~~

10 ~~CORNEAL TRANSPLANTS~~

11 ~~§ 8641. Removal of corneal tissue permitted under certain~~
12 ~~circumstances.~~

13 ~~(a) General rule. On a request from an authorized official~~
14 ~~of an eye bank for corneal tissue, a coroner or medical examiner~~
15 ~~may permit the removal of corneal tissue if all of the following~~
16 ~~apply:~~

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

19 ~~(2) The coroner or medical examiner has made a~~
20 ~~reasonable effort to contact persons listed in section 8611~~
21 ~~(relating to persons who may execute anatomical gift).~~

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

24 ~~(4) The removal of the corneal tissue will not interfere~~
25 ~~with the subsequent course of an investigation or autopsy or~~
26 ~~alter the decedent's postmortem facial appearance.~~

27 ~~(b) Definition. As used in this section, the term "eye~~
28 ~~bank" means a nonprofit corporation chartered under the laws of~~
29 ~~this Commonwealth to obtain, store and distribute donor eyes to~~
30 ~~be used by physicians or surgeons for corneal transplants,~~

1 ~~research or other medical purposes and the medical activities of~~
2 ~~which are directed by a physician or surgeon in this~~
3 ~~Commonwealth.~~

4 ~~§ 8642. Limitation of liability.~~

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

11 ~~Section 9. This act shall take effect as follows:~~

12 ~~(1) The amendment of 20 Pa.C.S. § 8621 shall take effect~~
13 ~~immediately.~~

14 ~~(2) This section shall take effect immediately.~~

15 ~~(3) The addition of 20 Pa.C.S. § 8632 shall take effect~~
16 ~~in 90 days.~~

17 ~~(4) The remainder of this act shall take effect in 60~~
18 ~~days.~~

19 SECTION 1. SECTIONS 305(D)(2) AND 5471 OF TITLE 20 OF THE <--
20 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

21 § 305. RIGHT TO DISPOSE OF A DECEDENT'S REMAINS.

22 * * *

23 (D) PROCEDURE.--WHERE A PETITION ALLEGING ENDURING
24 ESTRANGEMENT, INCOMPETENCE, CONTRARY INTENT OR WAIVER AND
25 AGREEMENT IS MADE WITHIN 48 HOURS OF THE DEATH OR DISCOVERY OF
26 THE BODY OF THE DECEDENT, WHICHEVER IS LATER, A COURT MAY ORDER
27 THAT NO FINAL DISPOSITION OF THE DECEDENT'S REMAINS TAKE PLACE
28 UNTIL A FINAL DETERMINATION IS MADE ON THE PETITION. NOTICE TO
29 EACH PERSON WITH EQUAL OR HIGHER PRECEDENCE THAN THE PETITIONER
30 TO THE RIGHT TO DISPOSE OF THE DECEDENT'S REMAINS AND TO HIS

1 ATTORNEY IF KNOWN AND TO THE FUNERAL HOME OR OTHER INSTITUTION
2 WHERE THE BODY IS BEING HELD MUST BE PROVIDED CONCURRENTLY WITH
3 THE FILING OF THE PETITION. A SUITABLE BOND MAY BE REQUIRED BY
4 THE COURT.

5 * * *

6 (2) IF TWO [OR MORE] PERSONS WITH EQUAL STANDING AS NEXT
7 OF KIN DISAGREE ON DISPOSITION OF THE DECEDENT'S REMAINS, THE
8 AUTHORITY TO DISPOSE SHALL BE DETERMINED BY THE COURT, WITH
9 PREFERENCE GIVEN TO THE PERSON WHO HAD THE CLOSEST
10 RELATIONSHIP WITH THE DECEASED. IF MORE THAN TWO PERSONS WITH
11 EQUAL STANDING AS NEXT OF KIN DISAGREE ON DISPOSITION OF THE
12 DECEDENT'S REMAINS, THE AUTHORITY TO DISPOSE SHALL BE
13 DETERMINED BY THE MAJORITY. WHERE TWO OR MORE PERSONS WITH
14 EQUAL STANDING CANNOT REACH A MAJORITY DECISION, THE COURT
15 SHALL MAKE A FINAL DETERMINATION ON DISPOSITION OF THE
16 DECEDENT'S REMAINS.

17 * * *

18 § 5471. EXAMPLE.

19 THE FOLLOWING IS AN EXAMPLE OF A DOCUMENT THAT COMBINES A
20 LIVING WILL AND HEALTH CARE POWER OF ATTORNEY:

21 DURABLE HEALTH CARE POWER OF ATTORNEY
22 AND HEALTH CARE TREATMENT INSTRUCTIONS

23 (LIVING WILL)

24 PART I

25 INTRODUCTORY REMARKS ON

26 HEALTH CARE DECISION MAKING

27 YOU HAVE THE RIGHT TO DECIDE THE TYPE OF HEALTH CARE YOU
28 WANT.

29 SHOULD YOU BECOME UNABLE TO UNDERSTAND, MAKE OR
30 COMMUNICATE DECISIONS ABOUT MEDICAL CARE, YOUR WISHES FOR

1 MEDICAL TREATMENT ARE MOST LIKELY TO BE FOLLOWED IF YOU
2 EXPRESS THOSE WISHES IN ADVANCE BY:

3 (1) NAMING A HEALTH CARE AGENT TO DECIDE TREATMENT
4 FOR YOU; AND

5 (2) GIVING HEALTH CARE TREATMENT INSTRUCTIONS TO
6 YOUR HEALTH CARE AGENT OR HEALTH CARE PROVIDER.

7 AN ADVANCE HEALTH CARE DIRECTIVE IS A WRITTEN SET OF
8 INSTRUCTIONS EXPRESSING YOUR WISHES FOR MEDICAL TREATMENT.

9 [IT]

10 NOTICE ABOUT ANATOMICAL DONATION

11 THIS DOCUMENT MAY ALSO CONTAIN DIRECTIONS REGARDING
12 WHETHER YOU WISH TO DONATE AN ORGAN, TISSUE OR EYES. UNDER
13 PENNSYLVANIA LAW, DONATING A PART OF THE BODY FOR
14 TRANSPLANTATION OR RESEARCH IS A VOLUNTARY ACT. YOU DO NOT
15 HAVE TO DONATE AN ORGAN, TISSUE, EYE OR OTHER PART OF THE
16 BODY. HOWEVER, IT IS IMPORTANT THAT YOU MAKE YOUR WISHES
17 ABOUT ANATOMICAL DONATION KNOWN, JUST AS IT IS IMPORTANT TO
18 MAKE YOUR CHOICES ABOUT END-OF-LIFE CARE KNOWN.

19 SURGEONS HAVE MADE GREAT STRIDES IN THE FIELD OF ORGAN
20 DONATION AND CAN NOW TRANSPLANT HANDS, FACIAL TISSUE AND
21 LIMBS. A HAND, FACIAL TISSUE AND A LIMB ARE EXAMPLES OF WHAT
22 IS KNOWN AS A VASCULARIZED COMPOSITE ALLOGRAFT. UNDER
23 PENNSYLVANIA LAW, EXPLICIT AND SPECIFIC CONSENT TO DONATE
24 HANDS, FACIAL TISSUE, LIMBS OR OTHER VASCULARIZED COMPOSITE
25 ALLOGRAFTS MUST BE GIVEN. YOU MAY USE THIS DOCUMENT TO MAKE
26 CLEAR YOUR WISH TO DONATE OR NOT TO DONATE HANDS, FACIAL
27 TISSUE OR LIMBS.

28 UNDER PENNSYLVANIA LAW, THE ORGAN DONOR DESIGNATION ON
29 THE DRIVER'S LICENSE AUTHORIZES THE INDIVIDUAL TO DONATE WHAT
30 WE TRADITIONALLY THINK OF AS ORGANS (HEART, LUNG, LIVER,

1 KIDNEY) AND TISSUE AND DOES NOT AUTHORIZE THE INDIVIDUAL TO
2 DONATE HANDS, FACIAL TISSUE, LIMBS OR OTHER VASCULARIZED
3 COMPOSITE ALLOGRAFTS.

4 DETAILED INFORMATION ABOUT ANATOMICAL DONATION, INCLUDING
5 THE PROCEDURE USED TO RECOVER ORGANS, TISSUES AND EYES, CAN
6 BE FOUND ON THE DEPARTMENT OF TRANSPORTATION'S INTERNET
7 WEBSITE. INFORMATION ABOUT THE DONATION OF HANDS, FACIAL
8 TISSUE AND LIMBS CAN ALSO BE FOUND ON THE DEPARTMENT OF
9 TRANSPORTATION'S INTERNET WEBSITE.

10 YOU MAY WISH TO CONSULT WITH YOUR PHYSICIAN OR YOUR
11 ATTORNEY TO DETERMINE WHETHER THE PROCEDURE FOR MAKING AN
12 ANATOMICAL DONATION IS COMPATIBLE WITH FULFILLING YOUR
13 SPECIFIC CHOICES FOR END-OF-LIFE CARE. IN ADDITION, YOU MAY
14 WANT TO CONSULT WITH CLERGY REGARDING WHETHER YOU WANT TO
15 DONATE AN ORGAN, A HAND, FACIAL TISSUE OR LIMB OR OTHER PART
16 OF THE BODY. IT IS IMPORTANT TO UNDERSTAND THAT DONATING A
17 HAND, LIMB OR FACIAL TISSUE MAY HAVE AN IMPACT ON FUNERAL
18 ARRANGEMENTS AND THAT AN OPEN CASKET MAY NOT BE POSSIBLE.

19 AN ADVANCE HEALTH CARE DIRECTIVE MAY CONTAIN A HEALTH
20 CARE POWER OF ATTORNEY, WHERE YOU NAME A PERSON CALLED A
21 "HEALTH CARE AGENT" TO DECIDE TREATMENT FOR YOU, AND A LIVING
22 WILL, WHERE YOU TELL YOUR HEALTH CARE AGENT AND HEALTH CARE
23 PROVIDERS YOUR CHOICES REGARDING THE INITIATION,
24 CONTINUATION, WITHHOLDING OR WITHDRAWAL OF LIFE-SUSTAINING
25 TREATMENT AND OTHER SPECIFIC DIRECTIONS REGARDING END-OF-LIFE
26 CARE AND YOUR VIEWS REGARDING ORGAN AND TISSUE DONATION.

27 YOU MAY LIMIT YOUR HEALTH CARE AGENT'S INVOLVEMENT IN
28 DECIDING YOUR MEDICAL TREATMENT SO THAT YOUR HEALTH CARE
29 AGENT WILL SPEAK FOR YOU ONLY WHEN YOU ARE UNABLE TO SPEAK
30 FOR YOURSELF OR YOU MAY GIVE YOUR HEALTH CARE AGENT THE POWER

1 TO SPEAK FOR YOU IMMEDIATELY. THIS COMBINED FORM GIVES YOUR
2 HEALTH CARE AGENT THE POWER TO SPEAK FOR YOU ONLY WHEN YOU
3 ARE UNABLE TO SPEAK FOR YOURSELF. A LIVING WILL CANNOT BE
4 FOLLOWED UNLESS YOUR ATTENDING PHYSICIAN DETERMINES THAT YOU
5 LACK THE ABILITY TO UNDERSTAND, MAKE OR COMMUNICATE HEALTH
6 CARE DECISIONS FOR YOURSELF AND YOU ARE EITHER PERMANENTLY
7 UNCONSCIOUS OR YOU HAVE AN END-STAGE MEDICAL CONDITION, WHICH
8 IS A CONDITION THAT WILL RESULT IN DEATH DESPITE THE
9 INTRODUCTION OR CONTINUATION OF MEDICAL TREATMENT. YOU, AND
10 NOT YOUR HEALTH CARE AGENT, REMAIN RESPONSIBLE FOR THE COST
11 OF YOUR MEDICAL CARE.

12 IF YOU DO NOT WRITE DOWN YOUR WISHES ABOUT YOUR HEALTH
13 CARE IN ADVANCE, AND IF LATER YOU BECOME UNABLE TO
14 UNDERSTAND, MAKE OR COMMUNICATE THESE DECISIONS, THOSE WISHES
15 MAY NOT BE HONORED BECAUSE THEY MAY REMAIN UNKNOWN TO OTHERS.

16 A HEALTH CARE PROVIDER WHO REFUSES TO HONOR YOUR WISHES
17 ABOUT HEALTH CARE MUST TELL YOU OF ITS REFUSAL AND HELP TO
18 TRANSFER YOU TO A HEALTH CARE PROVIDER WHO WILL HONOR YOUR
19 WISHES.

20 YOU SHOULD GIVE A COPY OF YOUR ADVANCE HEALTH CARE
21 DIRECTIVE (A LIVING WILL, HEALTH CARE POWER OF ATTORNEY OR A
22 DOCUMENT CONTAINING BOTH) TO YOUR HEALTH CARE AGENT, YOUR
23 PHYSICIANS, FAMILY MEMBERS AND OTHERS WHOM YOU EXPECT WOULD
24 LIKELY ATTEND TO YOUR NEEDS IF YOU BECOME UNABLE TO
25 UNDERSTAND, MAKE OR COMMUNICATE DECISIONS ABOUT MEDICAL CARE.
26 IF YOUR HEALTH CARE WISHES CHANGE, TELL YOUR PHYSICIAN AND
27 WRITE A NEW ADVANCE HEALTH CARE DIRECTIVE TO REPLACE YOUR OLD
28 ONE. IF YOUR WISHES ABOUT DONATING AN ORGAN, TISSUE OR EYES
29 CHANGE, TELL YOUR PHYSICIAN AND WRITE A NEW ADVANCE HEALTH
30 CARE DIRECTIVE TO REPLACE YOUR OLD ONE. IF YOU DO NOT WISH TO

1 DONATE A HAND, FACIAL TISSUE OR LIMB, IT IS IMPORTANT TO MAKE
2 THAT CLEAR IN YOUR ADVANCE HEALTH CARE DIRECTIVE OR HEALTH
3 CARE POWER OF ATTORNEY, OR BOTH. IT IS IMPORTANT IN SELECTING
4 A HEALTH CARE AGENT THAT YOU CHOOSE A PERSON YOU TRUST WHO IS
5 LIKELY TO BE AVAILABLE IN A MEDICAL SITUATION WHERE YOU
6 CANNOT MAKE DECISIONS FOR YOURSELF. YOU SHOULD INFORM THAT
7 PERSON THAT YOU HAVE APPOINTED HIM OR HER AS YOUR HEALTH CARE
8 AGENT AND DISCUSS YOUR BELIEFS AND VALUES WITH HIM OR HER SO
9 THAT YOUR HEALTH CARE AGENT WILL UNDERSTAND YOUR HEALTH CARE
10 OBJECTIVES[.], INCLUDING WHETHER YOU WANT TO LIMIT OR
11 WITHHOLD LIFE-SUSTAINING MEASURES IN THE EVENT THAT YOU
12 BECOME PERMANENTLY UNCONSCIOUS OR HAVE AN END-STAGE MEDICAL
13 CONDITION. YOU SHOULD ALSO TELL YOUR HEALTH CARE AGENT
14 WHETHER YOU WANT TO DONATE ORGANS, TISSUE, EYES OR OTHER
15 PARTS OF THE BODY AND WHETHER YOU WANT TO MAKE A DONATION OF
16 YOUR HANDS, FACIAL TISSUE OR LIMBS. IT IS IMPORTANT TO
17 UNDERSTAND THAT IF YOU DECIDE TO DONATE A HAND, LIMB OR
18 FACIAL TISSUE IT MAY IMPACT FUNERAL ARRANGEMENTS AND THAT AN
19 OPEN CASKET MAY NOT BE POSSIBLE.

20 YOU MAY WISH TO CONSULT WITH KNOWLEDGEABLE, TRUSTED
21 INDIVIDUALS SUCH AS FAMILY MEMBERS, YOUR PHYSICIAN OR CLERGY
22 WHEN CONSIDERING AN EXPRESSION OF YOUR VALUES AND HEALTH CARE
23 WISHES. YOU ARE FREE TO CREATE YOUR OWN ADVANCE HEALTH CARE
24 DIRECTIVE TO CONVEY YOUR WISHES REGARDING MEDICAL TREATMENT.
25 THE FOLLOWING FORM IS AN EXAMPLE OF AN ADVANCE HEALTH CARE
26 DIRECTIVE THAT COMBINES A HEALTH CARE POWER OF ATTORNEY WITH
27 A LIVING WILL.

28 NOTES ABOUT THE USE OF THIS FORM

29 IF YOU DECIDE TO USE THIS FORM OR CREATE YOUR OWN ADVANCE
30 HEALTH CARE DIRECTIVE, YOU SHOULD CONSULT WITH YOUR PHYSICIAN

1 AND YOUR ATTORNEY TO MAKE SURE THAT YOUR WISHES ARE CLEARLY
2 EXPRESSED AND COMPLY WITH THE LAW.

3 IF YOU DECIDE TO USE THIS FORM BUT DISAGREE WITH ANY OF
4 ITS STATEMENTS, YOU MAY CROSS OUT THOSE STATEMENTS.

5 YOU MAY ADD COMMENTS TO THIS FORM OR USE YOUR OWN FORM TO
6 HELP YOUR PHYSICIAN OR HEALTH CARE AGENT DECIDE YOUR MEDICAL
7 CARE.

8 THIS FORM IS DESIGNED TO GIVE YOUR HEALTH CARE AGENT
9 BROAD POWERS TO MAKE HEALTH CARE DECISIONS FOR YOU WHENEVER
10 YOU CANNOT MAKE THEM FOR YOURSELF. IT IS ALSO DESIGNED TO
11 EXPRESS A DESIRE TO LIMIT OR AUTHORIZE CARE IF YOU HAVE AN
12 END-STAGE MEDICAL CONDITION OR ARE PERMANENTLY UNCONSCIOUS.
13 IF YOU DO NOT DESIRE TO GIVE YOUR HEALTH CARE AGENT BROAD
14 POWERS, OR YOU DO NOT WISH TO LIMIT YOUR CARE IF YOU HAVE AN
15 END-STAGE MEDICAL CONDITION OR ARE PERMANENTLY UNCONSCIOUS,
16 YOU MAY WISH TO USE A DIFFERENT FORM OR CREATE YOUR OWN. YOU
17 SHOULD ALSO USE A DIFFERENT FORM IF YOU WISH TO EXPRESS YOUR
18 PREFERENCES IN MORE DETAIL THAN THIS FORM ALLOWS OR IF YOU
19 WISH FOR YOUR HEALTH CARE AGENT TO BE ABLE TO SPEAK FOR YOU
20 IMMEDIATELY. IN THESE SITUATIONS, IT IS PARTICULARLY
21 IMPORTANT THAT YOU CONSULT WITH YOUR ATTORNEY AND PHYSICIAN
22 TO MAKE SURE THAT YOUR WISHES ARE CLEARLY EXPRESSED[.]
23 INCLUDING WHETHER YOU WANT TO LIMIT OR WITHHOLD LIFE-
24 SUSTAINING MEASURES IN THE EVENT THAT YOU BECOME PERMANENTLY
25 UNCONSCIOUS OR HAVE AN END-STAGE MEDICAL CONDITION AND
26 WHETHER YOU WISH TO DONATE A PART OF THE BODY FOR
27 TRANSPLANTATION OR RESEARCH. YOU SHOULD ALSO CLEARLY EXPRESS
28 WHETHER OR NOT YOU WISH TO DONATE HANDS, FACIAL TISSUE OR
29 LIMBS.

30 THIS FORM ALLOWS YOU TO TELL YOUR HEALTH CARE AGENT YOUR

1 GOALS IF YOU HAVE AN END-STAGE MEDICAL CONDITION OR OTHER
2 EXTREME AND IRREVERSIBLE MEDICAL CONDITION, SUCH AS ADVANCED
3 ALZHEIMER'S DISEASE. DO YOU WANT MEDICAL CARE APPLIED
4 AGGRESSIVELY IN THESE SITUATIONS OR WOULD YOU CONSIDER SUCH
5 AGGRESSIVE MEDICAL CARE BURDENSOME AND UNDESIRABLE?

6 YOU MAY CHOOSE WHETHER YOU WANT YOUR HEALTH CARE AGENT TO
7 BE BOUND BY YOUR INSTRUCTIONS OR WHETHER YOU WANT YOUR HEALTH
8 CARE AGENT TO BE ABLE TO DECIDE AT THE TIME WHAT COURSE OF
9 TREATMENT THE HEALTH CARE AGENT THINKS MOST FULLY REFLECTS
10 YOUR WISHES AND VALUES.

11 IF YOU ARE A WOMAN AND DIAGNOSED AS BEING PREGNANT AT THE
12 TIME A HEALTH CARE DECISION WOULD OTHERWISE BE MADE PURSUANT
13 TO THIS FORM, THE LAWS OF THIS COMMONWEALTH PROHIBIT
14 IMPLEMENTATION OF THAT DECISION IF IT DIRECTS THAT LIFE-
15 SUSTAINING TREATMENT, INCLUDING NUTRITION AND HYDRATION, BE
16 WITHHELD OR WITHDRAWN FROM YOU, UNLESS YOUR ATTENDING
17 PHYSICIAN AND AN OBSTETRICIAN WHO HAVE EXAMINED YOU CERTIFY
18 IN YOUR MEDICAL RECORD THAT THE LIFE-SUSTAINING TREATMENT:

19 (1) WILL NOT MAINTAIN YOU IN SUCH A WAY AS TO PERMIT THE
20 CONTINUING DEVELOPMENT AND LIVE BIRTH OF THE UNBORN CHILD;

21 (2) WILL BE PHYSICALLY HARMFUL TO YOU; OR

22 (3) WILL CAUSE PAIN TO YOU THAT CANNOT BE ALLEVIATED BY
23 MEDICATION.

24 A PHYSICIAN IS NOT REQUIRED TO PERFORM A PREGNANCY TEST ON
25 YOU UNLESS THE PHYSICIAN HAS REASON TO BELIEVE THAT YOU MAY
26 BE PREGNANT.

27 PENNSYLVANIA LAW PROTECTS YOUR HEALTH CARE AGENT AND
28 HEALTH CARE PROVIDERS FROM ANY LEGAL LIABILITY FOR FOLLOWING
29 IN GOOD FAITH YOUR WISHES AS EXPRESSED IN THE FORM OR BY YOUR
30 HEALTH CARE AGENT'S DIRECTION. IT DOES NOT OTHERWISE CHANGE

1 PROFESSIONAL STANDARDS OR EXCUSE NEGLIGENCE IN THE WAY YOUR
2 WISHES ARE CARRIED OUT. IF YOU HAVE ANY QUESTIONS ABOUT THE
3 LAW, CONSULT AN ATTORNEY FOR GUIDANCE.

4 THIS FORM AND EXPLANATION IS NOT INTENDED TO TAKE THE
5 PLACE OF SPECIFIC LEGAL OR MEDICAL ADVICE FOR WHICH YOU
6 SHOULD RELY UPON YOUR OWN ATTORNEY AND PHYSICIAN.

7 PART II

8 DURABLE HEALTH CARE POWER OF ATTORNEY

9 I,, OF.....

10 COUNTY, PENNSYLVANIA, APPOINT THE PERSON NAMED BELOW TO BE MY
11 HEALTH CARE AGENT TO MAKE HEALTH AND PERSONAL CARE DECISIONS
12 FOR ME.

13 EFFECTIVE IMMEDIATELY AND CONTINUOUSLY UNTIL MY DEATH OR
14 REVOCATION BY A WRITING SIGNED BY ME OR SOMEONE AUTHORIZED TO
15 MAKE HEALTH CARE TREATMENT DECISIONS FOR ME, I AUTHORIZE ALL
16 HEALTH CARE PROVIDERS OR OTHER COVERED ENTITIES TO DISCLOSE
17 TO MY HEALTH CARE AGENT, UPON MY AGENT'S REQUEST, ANY
18 INFORMATION, ORAL OR WRITTEN, REGARDING MY PHYSICAL OR MENTAL
19 HEALTH, INCLUDING, BUT NOT LIMITED TO, MEDICAL AND HOSPITAL
20 RECORDS AND WHAT IS OTHERWISE PRIVATE, PRIVILEGED, PROTECTED
21 OR PERSONAL HEALTH INFORMATION, SUCH AS HEALTH INFORMATION AS
22 DEFINED AND DESCRIBED IN THE HEALTH INSURANCE PORTABILITY AND
23 ACCOUNTABILITY ACT OF 1996 (PUBLIC LAW 104-191, 110 STAT.
24 1936), THE REGULATIONS PROMULGATED THEREUNDER AND ANY OTHER
25 STATE OR LOCAL LAWS AND RULES. INFORMATION DISCLOSED BY A
26 HEALTH CARE PROVIDER OR OTHER COVERED ENTITY MAY BE
27 REDISCLOSED AND MAY NO LONGER BE SUBJECT TO THE PRIVACY RULES
28 PROVIDED BY 45 C.F.R. PT. 164.

29 THE REMAINDER OF THIS DOCUMENT WILL TAKE EFFECT WHEN AND
30 ONLY WHEN I LACK THE ABILITY TO UNDERSTAND, MAKE OR

1 COMMUNICATE A CHOICE REGARDING A HEALTH OR PERSONAL CARE
2 DECISION AS VERIFIED BY MY ATTENDING PHYSICIAN. MY HEALTH
3 CARE AGENT MAY NOT DELEGATE THE AUTHORITY TO MAKE DECISIONS.

4 MY HEALTH CARE AGENT HAS ALL OF THE FOLLOWING POWERS
5 SUBJECT TO THE HEALTH CARE TREATMENT INSTRUCTIONS THAT FOLLOW
6 IN PART III (CROSS OUT ANY POWERS YOU DO NOT WANT TO GIVE
7 YOUR HEALTH CARE AGENT):

8 1. TO AUTHORIZE, WITHHOLD OR WITHDRAW MEDICAL CARE AND
9 SURGICAL PROCEDURES.

10 2. TO AUTHORIZE, WITHHOLD OR WITHDRAW NUTRITION (FOOD)
11 OR HYDRATION (WATER) MEDICALLY SUPPLIED BY TUBE THROUGH MY
12 NOSE, STOMACH, INTESTINES, ARTERIES OR VEINS.

13 3. TO AUTHORIZE MY ADMISSION TO OR DISCHARGE FROM A
14 MEDICAL, NURSING, RESIDENTIAL OR SIMILAR FACILITY AND TO MAKE
15 AGREEMENTS FOR MY CARE AND HEALTH INSURANCE FOR MY CARE,
16 INCLUDING HOSPICE AND/OR PALLIATIVE CARE.

17 4. TO HIRE AND FIRE MEDICAL, SOCIAL SERVICE AND OTHER
18 SUPPORT PERSONNEL RESPONSIBLE FOR MY CARE.

19 5. TO TAKE ANY LEGAL ACTION NECESSARY TO DO WHAT I HAVE
20 DIRECTED.

21 6. TO REQUEST THAT A PHYSICIAN RESPONSIBLE FOR MY CARE
22 ISSUE A DO-NOT-RESUSCITATE (DNR) ORDER, INCLUDING AN OUT-OF-
23 HOSPITAL DNR ORDER, AND SIGN ANY REQUIRED DOCUMENTS AND
24 CONSENTS.

25 7. TO AUTHORIZE OR REFUSE TO AUTHORIZE DONATION OF WHAT
26 WE TRADITIONALLY THINK OF AS ORGANS (FOR EXAMPLE, HEART,
27 LUNG, LIVER, KIDNEY), TISSUE, EYES OR OTHER PARTS OF THE
28 BODY.

29 8. TO AUTHORIZE OR REFUSE TO AUTHORIZE DONATION OF
30 HANDS, FACIAL TISSUE, LIMBS OR OTHER VASCULARIZED COMPOSITE

1 ALLOGRAFTS.

2 APPOINTMENT OF HEALTH CARE AGENT

3 I APPOINT THE FOLLOWING HEALTH CARE AGENT:

4 HEALTH CARE AGENT:.....

5 (NAME AND RELATIONSHIP)

6 ADDRESS:.....

7

8 TELEPHONE NUMBER: HOME..... WORK.....

9 E-MAIL:.....

10 IF YOU DO NOT NAME A HEALTH CARE AGENT, HEALTH CARE PROVIDERS
11 WILL ASK YOUR FAMILY OR AN ADULT WHO KNOWS YOUR PREFERENCES
12 AND VALUES FOR HELP IN DETERMINING YOUR WISHES FOR TREATMENT.
13 NOTE THAT YOU MAY NOT APPOINT YOUR DOCTOR OR OTHER HEALTH
14 CARE PROVIDER AS YOUR HEALTH CARE AGENT UNLESS RELATED TO YOU
15 BY BLOOD, MARRIAGE OR ADOPTION.

16 IF MY HEALTH CARE AGENT IS NOT READILY AVAILABLE OR IF MY
17 HEALTH CARE AGENT IS MY SPOUSE AND AN ACTION FOR DIVORCE
18 IS FILED BY EITHER OF US AFTER THE DATE OF THIS DOCUMENT,
19 I APPOINT THE PERSON OR PERSONS NAMED BELOW IN THE ORDER
20 NAMED. (IT IS HELPFUL, BUT NOT REQUIRED, TO NAME
21 ALTERNATIVE HEALTH CARE AGENTS.)

22 FIRST ALTERNATIVE HEALTH CARE AGENT:.....

23 (NAME AND RELATIONSHIP)

24 ADDRESS:.....

25

26 TELEPHONE NUMBER: HOME..... WORK.....

27 E-MAIL:.....

28 SECOND ALTERNATIVE HEALTH CARE AGENT:.....

29 (NAME AND RELATIONSHIP)

30 ADDRESS:.....

1
2 TELEPHONE NUMBER: HOME..... WORK.....
3 E-MAIL:.....

4 GUIDANCE FOR HEALTH CARE AGENT (OPTIONAL) GOALS

5 IF I HAVE AN END-STAGE MEDICAL CONDITION OR OTHER EXTREME
6 IRREVERSIBLE MEDICAL CONDITION, MY GOALS IN MAKING MEDICAL
7 DECISIONS ARE AS FOLLOWS (INSERT YOUR PERSONAL PRIORITIES
8 SUCH AS COMFORT, CARE, PRESERVATION OF MENTAL FUNCTION,
9 ETC.):.....
10
11
12

13 SEVERE BRAIN DAMAGE OR BRAIN DISEASE

14 IF I SHOULD SUFFER FROM SEVERE AND IRREVERSIBLE BRAIN
15 DAMAGE OR BRAIN DISEASE WITH NO REALISTIC HOPE OF SIGNIFICANT
16 RECOVERY, I WOULD CONSIDER SUCH A CONDITION INTOLERABLE AND
17 THE APPLICATION OF AGGRESSIVE MEDICAL CARE TO BE BURDENSOME.
18 I THEREFORE REQUEST THAT MY HEALTH CARE AGENT RESPOND TO ANY
19 INTERVENING (OTHER AND SEPARATE) LIFE-THREATENING CONDITIONS
20 IN THE SAME MANNER AS DIRECTED FOR AN END-STAGE MEDICAL
21 CONDITION OR STATE OF PERMANENT UNCONSCIOUSNESS AS I HAVE
22 INDICATED BELOW.

23 INITIALS.....I AGREE

24 INITIALS.....I DISAGREE

25 PART III

26 HEALTH CARE TREATMENT INSTRUCTIONS IN THE EVENT
27 OF END-STAGE MEDICAL CONDITION
28 OR PERMANENT UNCONSCIOUSNESS
29 (LIVING WILL)

30 THE FOLLOWING HEALTH CARE TREATMENT INSTRUCTIONS EXERCISE

1 MY RIGHT TO MAKE MY OWN HEALTH CARE DECISIONS. THESE
2 INSTRUCTIONS ARE INTENDED TO PROVIDE CLEAR AND CONVINCING
3 EVIDENCE OF MY WISHES TO BE FOLLOWED WHEN I LACK THE CAPACITY
4 TO UNDERSTAND, MAKE OR COMMUNICATE MY TREATMENT DECISIONS:

5 IF I HAVE AN END-STAGE MEDICAL CONDITION (WHICH WILL
6 RESULT IN MY DEATH, DESPITE THE INTRODUCTION OR CONTINUATION
7 OF MEDICAL TREATMENT) OR AM PERMANENTLY UNCONSCIOUS SUCH AS
8 AN IRREVERSIBLE COMA OR AN IRREVERSIBLE VEGETATIVE STATE AND
9 THERE IS NO REALISTIC HOPE OF SIGNIFICANT RECOVERY, ALL OF
10 THE FOLLOWING APPLY (CROSS OUT ANY TREATMENT INSTRUCTIONS
11 WITH WHICH YOU DO NOT AGREE):

12 1. I DIRECT THAT I BE GIVEN HEALTH CARE TREATMENT TO
13 RELIEVE PAIN OR PROVIDE COMFORT EVEN IF SUCH TREATMENT MIGHT
14 SHORTEN MY LIFE, SUPPRESS MY APPETITE OR MY BREATHING, OR BE
15 HABIT FORMING.

16 2. I DIRECT THAT ALL LIFE PROLONGING PROCEDURES BE
17 WITHHELD OR WITHDRAWN. YOU MAY WANT TO CONSULT WITH YOUR
18 PHYSICIAN AND ATTORNEY IN ORDER TO DETERMINE WHETHER YOUR
19 DESIGNATED CHOICES REGARDING END-OF-LIFE CARE ARE COMPATIBLE
20 WITH ANATOMICAL DONATION. IN ORDER TO DONATE AN ORGAN YOUR
21 BODY MAY NEED TO BE MAINTAINED ON ARTIFICIAL SUPPORT AFTER
22 YOU HAVE BEEN DECLARED DEAD TO FACILITATE ANATOMICAL
23 DONATION. DETAILED INFORMATION ABOUT THE PROCEDURE FOR BEING
24 DECLARED BRAIN DEAD OR DEAD BY LACK OF CARDIAC FUNCTION AND
25 INFORMATION ABOUT ORGAN DONATION CAN BE FOUND ON THE
26 DEPARTMENT OF TRANSPORTATION'S PUBLICLY ACCESSIBLE INTERNET
27 WEBSITE.

28 3. I SPECIFICALLY DO NOT WANT ANY OF THE FOLLOWING AS
29 LIFE PROLONGING PROCEDURES: (IF YOU WISH TO RECEIVE ANY OF
30 THESE TREATMENTS, WRITE "I DO WANT" AFTER THE TREATMENT)

1 HEART-LUNG RESUSCITATION (CPR).....
2 MECHANICAL VENTILATOR (BREATHING MACHINE).....
3 DIALYSIS (KIDNEY MACHINE).....
4 SURGERY.....
5 CHEMOTHERAPY.....
6 RADIATION TREATMENT.....
7 ANTIBIOTICS.....

8 PLEASE INDICATE WHETHER YOU WANT NUTRITION (FOOD) OR
9 HYDRATION (WATER) MEDICALLY SUPPLIED BY A TUBE INTO YOUR
10 NOSE, STOMACH, INTESTINE, ARTERIES, OR VEINS IF YOU HAVE AN
11 END-STAGE MEDICAL CONDITION OR ARE PERMANENTLY UNCONSCIOUS
12 AND THERE IS NO REALISTIC HOPE OF SIGNIFICANT RECOVERY.
13 (INITIAL ONLY ONE STATEMENT.)

14 TUBE FEEDINGS

15I WANT TUBE FEEDINGS TO BE GIVEN

16 OR

17 NO TUBE FEEDINGS

18I DO NOT WANT TUBE FEEDINGS TO BE GIVEN.

19 4. I SPECIFICALLY DO NOT WANT TO BE ON ARTIFICIAL
20 SUPPORT AFTER I AM DECLARED DEAD.....

21 HEALTH CARE AGENT'S USE OF INSTRUCTIONS

22 (INITIAL ONE OPTION ONLY).

23MY HEALTH CARE AGENT MUST FOLLOW THESE
24 INSTRUCTIONS.

25 OR

26THESE INSTRUCTIONS ARE ONLY GUIDANCE.

27 MY HEALTH CARE AGENT SHALL HAVE FINAL SAY AND MAY
28 OVERRIDE ANY OF MY INSTRUCTIONS. (INDICATE ANY
29 EXCEPTIONS).....

30

1 IF I DID NOT APPOINT A HEALTH CARE AGENT, THESE
2 INSTRUCTIONS SHALL BE FOLLOWED.

3 LEGAL PROTECTION

4 PENNSYLVANIA LAW PROTECTS MY HEALTH CARE AGENT AND HEALTH
5 CARE PROVIDERS FROM ANY LEGAL LIABILITY FOR THEIR GOOD FAITH
6 ACTIONS IN FOLLOWING MY WISHES AS EXPRESSED IN THIS FORM OR
7 IN COMPLYING WITH MY HEALTH CARE AGENT'S DIRECTION. ON BEHALF
8 OF MYSELF, MY EXECUTORS AND HEIRS, I FURTHER HOLD MY HEALTH
9 CARE AGENT AND MY HEALTH CARE PROVIDERS HARMLESS AND
10 INDEMNIFY THEM AGAINST ANY CLAIM FOR THEIR GOOD FAITH ACTIONS
11 IN RECOGNIZING MY HEALTH CARE AGENT'S AUTHORITY OR IN
12 FOLLOWING MY TREATMENT INSTRUCTIONS.

13 [ORGAN DONATION (INITIAL ONE OPTION ONLY.)

14 I CONSENT TO DONATE MY ORGANS AND TISSUES AT THE
15 TIME OF MY DEATH FOR THE PURPOSE OF TRANSPLANT,
16 MEDICAL STUDY OR EDUCATION. (INSERT ANY
17 LIMITATIONS YOU DESIRE ON DONATION OF SPECIFIC
18 ORGANS OR TISSUES OR USES FOR DONATION OF ORGANS
19 AND TISSUES.)

20 OR

21 I DO NOT CONSENT TO DONATE MY ORGANS OR TISSUES
22 AT THE TIME OF MY DEATH.]

23 SIGNATURE.....

24 INFORMATION ABOUT ANATOMICAL DONATION

25 DONATING AN ORGAN OR OTHER PART OF THE BODY IS A
26 VOLUNTARY ACT. UNDER PENNSYLVANIA LAW, YOU DO NOT HAVE TO
27 DONATE AN ORGAN OR ANY OTHER PART OF YOUR BODY. IT IS
28 IMPORTANT TO KNOW THE EFFECT OF ORGAN DONATION ON YOUR
29 DECISIONS ABOUT END-OF-LIFE CARE SO THAT YOUR WISHES ABOUT
30 END-OF-LIFE CARE WILL BE FULFILLED. IF SOMEONE WISHES TO

1 BECOME AN ORGAN DONOR, THE PERSON MAY BE KEPT ON ARTIFICIAL
2 SUPPORT AFTER THE PERSON HAS BEEN DECLARED DEAD TO FACILITATE
3 ANATOMICAL DONATION. DETAILED INFORMATION ABOUT THE PROCEDURE
4 FOR RECOVERING ORGANS AND OTHER PARTS OF THE BODY AND
5 DETAILED INFORMATION ABOUT BRAIN DEATH AND CARDIAC DEATH MAY
6 BE FOUND ON THE DEPARTMENT OF TRANSPORTATION'S PUBLICLY
7 ACCESSIBLE INTERNET WEBSITE.

8 UNDER PENNSYLVANIA LAW, THE ORGAN DONOR DESIGNATION ON
9 THE DRIVER'S LICENSE AUTHORIZES THE INDIVIDUAL TO DONATE WHAT
10 WE TRADITIONALLY THINK OF AS ORGANS (FOR EXAMPLE, HEART,
11 LUNG, LIVER, KIDNEY) AND TISSUE AND DOES NOT AUTHORIZE THE
12 INDIVIDUAL TO DONATE HANDS, FACIAL TISSUE, LIMBS OR OTHER
13 VASCULARIZED COMPOSITE ALLOGRAFTS.

14 UNDER PENNSYLVANIA LAW, EXPLICIT AND SPECIFIC CONSENT TO
15 DONATE HANDS, FACIAL TISSUE, LIMBS AND OTHER VASCULARIZED
16 COMPOSITE ALLOGRAFTS IS NEEDED. DONATION OF THESE PARTS OF
17 THE BODY IS VOLUNTARY. INFORMATION ABOUT THE PROCEDURE TO
18 TRANSPLANT HANDS, FACIAL TISSUE AND LIMBS CAN BE FOUND ON THE
19 DEPARTMENT OF TRANSPORTATION'S PUBLICLY ACCESSIBLE INTERNET
20 WEBSITE. IT IS IMPORTANT TO KNOW THAT DONATING A HAND, LIMB
21 OR FACIAL TISSUE MAY IMPACT FUNERAL ARRANGEMENTS AND THAT AN
22 OPEN CASKET MAY NOT BE POSSIBLE.

23 ORGAN DONATION

24I CONSENT TO MAKING AN ANATOMICAL GIFT. THIS GIFT
25 DOES NOT INCLUDE HANDS, FACIAL TISSUE, LIMBS OR OTHER
26 VASCULARIZED COMPOSITE ALLOGRAFTS. I UNDERSTAND THAT IF I
27 WANT TO DONATE A HAND, FACIAL TISSUE, LIMB OR OTHER
28 VASCULARIZED COMPOSITE ALLOGRAFT, THERE IS ANOTHER PLACE IN
29 THIS DOCUMENT FOR ME TO DO SO. I ALSO UNDERSTAND THE HOSPITAL
30 MAY PROVIDE ARTIFICIAL SUPPORT, WHICH MAY INCLUDE A

VENTILATOR, AFTER I AM DECLARED DEAD IN ORDER TO FACILITATE
DONATION. I CONSENT TO MAKING A GIFT OF THE FOLLOWING PARTS
OF MY BODY FOR TRANSPLANTATION OR RESEARCH (PLEASE INSERT ANY
LIMITATIONS YOU DESIRE ON DONATION OF SPECIFIC ORGANS OR
TISSUES OR EYES OR ANY LIMITATION ON THE USE OF A DONATED
PART OF THE BODY):

.....
.....
.....

SIGNATURE.....DATE.....

GIFT OF HANDS, FACIAL TISSUE, LIMBS AND OTHER VASCULARIZED
COMPOSITE ALLOGRAFTS

.....I CONSENT TO MAKING A GIFT OF MY HANDS, FACIAL
TISSUE, LIMBS OR OTHER VASCULARIZED COMPOSITE ALLOGRAFTS. I
ALSO UNDERSTAND THAT I HAVE THE OPTION OF REQUESTING
RECONSTRUCTION OF MY BODY IN PREPARATION FOR BURIAL AND THAT
ANONYMITY OF IDENTITY MAY NOT BE ABLE TO BE PROTECTED IN THE
CASE OF DONATION OF HANDS, FACIAL TISSUE OR LIMBS. I ALSO
UNDERSTAND THAT BURIAL ARRANGEMENTS MAY BE AFFECTED AND THAT
AN OPEN CASKET MAY NOT BE POSSIBLE. I ALSO UNDERSTAND THAT
THE HOSPITAL MAY PROVIDE ARTIFICIAL SUPPORT, WHICH MAY
INCLUDE A VENTILATOR, AFTER I AM DECLARED DEAD IN ORDER TO
FACILITATE DONATION.

PLEASE INSERT ANY LIMITATIONS YOU DESIRE ON DONATION OF
HANDS, FACIAL TISSUE, LIMBS OR OTHER VASCULARIZED COMPOSITE
ALLOGRAFTS AND WHETHER YOU REQUEST RECONSTRUCTIVE SURGERY
BEFORE BURIAL:

.....
.....
.....

1 SIGNATURE.....DATE.....

2IF I HAVE CONSENTED TO MAKING A GIFT OF AN ORGAN,
3 HAND, FACIAL TISSUE, LIMB OR OTHER PART OF MY BODY WHICH
4 REQUIRES THE PROVISION OF ARTIFICIAL SUPPORT BY THE HOSPITAL
5 IN ORDER TO FACILITATE DONATION, I REQUEST THAT MEDICINE BE
6 PROVIDED SO I DO NOT FEEL PAIN DURING THE TESTING OR RECOVERY
7 PROCESS.

8 SIGNATURE.....DATE.....

9I DO NOT CONSENT TO DONATING MY ORGANS, TISSUES
10 OR ANY OTHER PART OF MY BODY, INCLUDING HANDS, FACIAL TISSUE,
11 LIMBS OR OTHER VASCULARIZED COMPOSITE ALLOGRAFTS. THIS
12 PROVISION SERVES AS A REFUSAL TO DONATE ANY PART OF MY BODY.
13 THIS PROVISION ALSO SERVES AS A REVOCATION OF ANY PRIOR
14 DECISION I HAVE MADE TO DONATE ORGANS, TISSUES OR OTHER PARTS
15 OF MY BODY, INCLUDING HANDS, FACIAL TISSUE, LIMBS OR OTHER
16 VASCULARIZED COMPOSITE ALLOGRAFT MADE IN A PRIOR DOCUMENT,
17 INCLUDING A DRIVER'S LICENSE, WILL, POWER OF ATTORNEY, HEALTH
18 CARE POWER OF ATTORNEY OR OTHER DOCUMENT.

19 SIGNATURE.....DATE.....

20 HAVING CAREFULLY READ THIS DOCUMENT, I HAVE SIGNED IT
21 THIS.....DAY OF....., 20..., REVOKING ALL PREVIOUS
22 HEALTH CARE POWERS OF ATTORNEY AND HEALTH CARE TREATMENT
23 INSTRUCTIONS.

24
25 (SIGN FULL NAME HERE FOR HEALTH CARE POWER OF ATTORNEY AND
26 HEALTH CARE TREATMENT INSTRUCTIONS)

27 WITNESS:.....

28 WITNESS:.....

29 TWO WITNESSES AT LEAST 18 YEARS OF AGE ARE REQUIRED BY
30 PENNSYLVANIA LAW AND SHOULD WITNESS YOUR SIGNATURE IN EACH

1 OTHER'S PRESENCE. A PERSON WHO SIGNS THIS DOCUMENT ON BEHALF
2 OF AND AT THE DIRECTION OF A PRINCIPAL MAY NOT BE A WITNESS.
3 (IT IS PREFERABLE IF THE WITNESSES ARE NOT YOUR HEIRS, NOR
4 YOUR CREDITORS, NOR EMPLOYED BY ANY OF YOUR HEALTH CARE
5 PROVIDERS.)

6 NOTARIZATION (OPTIONAL)

7 (NOTARIZATION OF DOCUMENT IS NOT REQUIRED BY PENNSYLVANIA
8 LAW, BUT IF THE DOCUMENT IS BOTH WITNESSED AND NOTARIZED, IT
9 IS MORE LIKELY TO BE HONORED BY THE LAWS OF SOME OTHER
10 STATES.)

11 ON THIS.....DAY OF, 20...., BEFORE ME
12 PERSONALLY APPEARED THE AFORESAID DECLARANT AND PRINCIPAL, TO
13 ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE
14 FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE/SHE EXECUTED
15 THE SAME AS HIS/HER FREE ACT AND DEED.

16 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND
17 AFFIXED MY OFFICIAL SEAL IN THE COUNTY OF....., STATE
18 OF..... THE DAY AND YEAR FIRST ABOVE WRITTEN.

19
20 NOTARY PUBLIC MY COMMISSION EXPIRES

21 SECTION 2. THE DEFINITIONS OF "ADVISORY COMMITTEE," "BANK OR
22 STORAGE FACILITY," "DECEDENT," "ORGAN PROCUREMENT ORGANIZATION"
23 AND "PART" IN SECTION 8601 OF TITLE 20 ARE AMENDED AND THE
24 SECTION IS AMENDED BY ADDING DEFINITIONS TO READ:

25 § 8601. DEFINITIONS.

26 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
27 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
28 CONTEXT CLEARLY INDICATES OTHERWISE:

29 * * *

30 "ADULT." AN INDIVIDUAL WHO IS AT LEAST 18 YEARS OF AGE.

1 "ADVANCE HEALTH CARE DIRECTIVE." AS DEFINED IN SECTION 5422
2 (RELATING TO DEFINITIONS).

3 "ADVISORY COMMITTEE." THE ORGAN AND TISSUE DONATION ADVISORY
4 COMMITTEE ESTABLISHED UNDER SECTION 8622 (RELATING TO THE
5 GOVERNOR ROBERT P. CASEY MEMORIAL ORGAN AND TISSUE DONATION
6 AWARENESS TRUST FUND).

7 "AGENT." ANY OF THE FOLLOWING:

8 (1) A HEALTH CARE AGENT AUTHORIZED TO MAKE HEALTH CARE
9 DECISIONS ON A PRINCIPAL'S BEHALF UNDER SUBCHAPTER C OF
10 CHAPTER 54 (RELATING TO HEALTH CARE AGENTS AND
11 REPRESENTATIVES).

12 (2) AN INDIVIDUAL EXPRESSLY AUTHORIZED TO MAKE AN
13 ANATOMICAL GIFT ON A PRINCIPAL'S BEHALF BY ANY OTHER RECORD
14 SIGNED BY THE PRINCIPAL.

15 "ANATOMICAL DONATION." AN ANATOMICAL GIFT.

16 "ANATOMICAL GIFT." A DONATION OF ALL OR PART OF A HUMAN BODY
17 TO TAKE EFFECT AFTER THE DONOR'S DEATH FOR THE PURPOSE OF
18 TRANSPLANTATION, THERAPY, RESEARCH OR EDUCATION. THE TERM DOES
19 NOT INCLUDE VASCULARIZED COMPOSITE ALLOGRAFTS, INCLUDING A HUMAN
20 HAND, FACIAL TISSUE OR LIMB.

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." THAT SUBSET OF PERSONS IN THE
6 DEPARTMENT OF TRANSPORTATION'S DRIVER'S LICENSE AND PHOTO
7 IDENTIFICATION CARD DATABASE WHO HAVE ELECTED TO INCLUDE THE
8 DONOR DESIGNATION ON THEIR RECORD. THIS TERM SHALL NOT REFER TO
9 A SEPARATE DATABASE.

10 * * *

11 "DONOR REGISTRY." A DATABASE WHICH CONTAINS RECORDS OF
12 ANATOMICAL GIFTS. THE TERM INCLUDES THE DONATE LIFE PA REGISTRY.

13 "EYE BANK." A PERSON THAT IS LICENSED, ACCREDITED OR
14 REGULATED UNDER FEDERAL OR STATE LAW TO ENGAGE IN THE RECOVERY,
15 SCREENING, TESTING, PROCESSING, STORAGE OR DISTRIBUTION OF HUMAN
16 EYES OR PORTIONS OF HUMAN EYES.

17 * * *

18 "HOSPITAL ADMINISTRATOR." ANY INDIVIDUAL APPOINTED BY A
19 HOSPITAL'S GOVERNING BODY TO ACT ON BEHALF OF THE HOSPITAL'S
20 GOVERNING BODY IN THE OVERALL MANAGEMENT OF THE HOSPITAL. THE
21 TERM INCLUDES A DESIGNEE OF THE INDIVIDUAL WHO IS AUTHORIZED BY
22 THE HOSPITAL TO EXERCISE SUPERVISORY AUTHORITY.

23 "KNOW." TO HAVE ACTUAL KNOWLEDGE. WHEN THE WORD "KNOWN" IS
24 USED AS AN ADJECTIVE TO MODIFY A TERM, THE MEANING IS THAT THERE
25 IS ACTUAL KNOWLEDGE ABOUT THE MODIFIED TERM.

26 "MINOR." AN INDIVIDUAL WHO IS UNDER 18 YEARS OF AGE.

27 "ORGAN." A HUMAN KIDNEY, LIVER, HEART, LUNG, PANCREAS,
28 ESOPHAGUS, STOMACH, SMALL OR LARGE INTESTINE, OR ANY PORTION OF
29 THE GASTROINTESTINAL TRACT. THE TERM ALSO INCLUDES BLOOD VESSELS
30 RECOVERED DURING THE RECOVERY OF SUCH ORGANS IF THE VESSELS ARE

1 INTENDED FOR USE IN ORGAN TRANSPLANTATION AND LABELED, "FOR USE
2 IN ORGAN TRANSPLANT ONLY." THE TERM DOES NOT INCLUDE A HUMAN
3 HAND, FACIAL TISSUE, LIMB OR OTHER VASCULARIZED COMPOSITE
4 ALLOGRAFT.

5 "ORGAN PROCUREMENT ORGANIZATION." AN ORGANIZATION [THAT
6 MEETS THE REQUIREMENTS OF SECTION 371 OF THE PUBLIC HEALTH
7 SERVICE ACT (58 STAT. 682, 42 U.S.C. § 273).] DESIGNATED FOR THE
8 REGION BY THE UNITED STATES SECRETARY OF HEALTH AND HUMAN
9 SERVICES AS AN ORGAN PROCUREMENT ORGANIZATION.

10 "PART." ORGANS, TISSUES, EYES, BONES, ARTERIES, BLOOD, OTHER
11 FLUIDS AND ANY OTHER PORTIONS OF A HUMAN BODY. THE TERM DOES NOT
12 INCLUDE A HUMAN HAND, FACIAL TISSUE, LIMB OR OTHER VASCULARIZED
13 COMPOSITE ALLOGRAFT.

14 * * *

15 "PERSON AUTHORIZED OR OBLIGATED TO DISPOSE OF A DECEDENT'S
16 BODY." ANY OF THE FOLLOWING, WITHOUT REGARD TO ORDER OF
17 PRIORITY:

18 (1) A CORONER OR MEDICAL EXAMINER HAVING JURISDICTION
19 OVER THE DECEDENT'S BODY.

20 (2) A WARDEN OR DIRECTOR OF A CORRECTIONAL FACILITY
21 WHERE THE DECEDENT WAS INCARCERATED.

22 (3) A HOSPITAL ADMINISTRATOR OF THE HOSPITAL WHERE THE
23 DECEDENT'S DEATH WAS PRONOUNCED.

24 (4) ANY OTHER PERSON AUTHORIZED OR UNDER OBLIGATION TO
25 DISPOSE OF THE DECEDENT'S BODY.

26 * * *

27 "REASONABLY AVAILABLE." ABLE TO BE CONTACTED BY AN ORGAN
28 PROCUREMENT ORGANIZATION WITH REASONABLE EFFORT AND WILLING AND
29 ABLE TO EXERCISE THE DECISION TO REFUSE OR TO AUTHORIZE
30 ANATOMICAL DONATION IN A TIMELY MANNER CONSISTENT WITH EXISTING

1 MEDICAL CRITERIA NECESSARY TO MAKE AN ANATOMICAL GIFT.

2 "RECIPIENT." AN INDIVIDUAL INTO WHOSE BODY A DECEDENT'S PART
3 HAS BEEN OR IS INTENDED TO BE TRANSPLANTED.

4 "RECORD." INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM
5 OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS
6 RETRIEVABLE IN PERCEIVABLE FORM.

7 "RECOVERY PROCEDURE." THE PROCESS OF REMOVING CELLS, TISSUES
8 AND ORGANS FROM A DECEDENT. THE TERM DOES NOT INCLUDE THE
9 RECOVERY OF VASCULARIZED COMPOSITE ALLOGRAFTS, INCLUDING
10 RECOVERY OF A HUMAN HAND, FACIAL TISSUE OR LIMB.

11 * * *

12 "TISSUE." A PORTION OF THE HUMAN BODY OTHER THAN AN ORGAN OR
13 AN EYE. THE TERM DOES NOT INCLUDE BLOOD, UNLESS THE BLOOD IS
14 DONATED FOR THE PURPOSE OF RESEARCH OR EDUCATION. THE TERM ALSO
15 DOES NOT INCLUDE VASCULARIZED COMPOSITE ALLOGRAFTS, INCLUDING A
16 HUMAN HAND, FACIAL TISSUE OR LIMB.

17 "TISSUE BANK." A PERSON THAT IS LICENSED, ACCREDITED OR
18 REGULATED UNDER FEDERAL OR STATE LAW TO ENGAGE IN THE RECOVERY,
19 SCREENING, TESTING, PROCESSING, STORAGE OR DISTRIBUTION OF
20 TISSUE.

21 * * *

22 "VASCULARIZED COMPOSITE ALLOGRAFT." A HUMAN HAND, FACIAL
23 TISSUE, LIMB AND OTHER PARTS OF THE BODY WHICH REQUIRE BLOOD
24 FLOW BY SURGICAL CONNECTION OF BLOOD VESSELS TO FUNCTION AFTER
25 TRANSPLANTATION AND WHICH CONTAIN MULTIPLE TISSUE TYPES,
26 RECOVERED FROM A HUMAN DONOR AS AN ANATOMICAL OR STRUCTURAL
27 UNIT, MINIMALLY MANIPULATED, FOR HOMOLOGOUS USE, NOT COMBINED
28 WITH ANOTHER ARTICLE SUCH AS A DEVICE, SUSCEPTIBLE TO ISCHEMIA
29 AND SUSCEPTIBLE TO ALLOGRAFT REJECTION. THE TERM ALSO INCLUDES A
30 PART OF THE BODY SPECIFIED AS A VASCULARIZED COMPOSITE ALLOGRAFT

1 BY THE UNITED STATES SECRETARY OF HEALTH AND HUMAN SERVICES BY
2 REGULATION, IN ACCORDANCE WITH THE NATIONAL ORGAN TRANSPLANT ACT
3 (PUBLIC LAW 98-507, 42 U.S.C. § 274E). THE TERM DOES NOT INCLUDE
4 AN ORGAN, PART, EYE OR TISSUE.

5 SECTION 3. TITLE 20 IS AMENDED BY ADDING A SECTION TO READ:
6 § 8610. SCOPE.

7 NOTHING IN THIS SUBCHAPTER SHALL BE CONSTRUED TO AUTHORIZE
8 THE DONATION OF VASCULARIZED COMPOSITE ALLOGRAFTS, INCLUDING
9 HAND, FACIAL TISSUE AND LIMB TRANSPLANTS, FROM AN INDIVIDUAL
10 WHOSE DEATH IS IMMINENT OR WHO HAS DIED AT THE
11 HOSPITAL. DONATION OF VASCULARIZED COMPOSITE ALLOGRAFTS FROM AN
12 INDIVIDUAL WHOSE DEATH IS IMMINENT OR WHO HAS DIED AT THE
13 HOSPITAL SHALL BE IN ACCORDANCE WITH SUBCHAPTER D (RELATING TO
14 HANDS, FACIAL TISSUE, LIMBS AND OTHER VASCULARIZED COMPOSITE
15 ALLOGRAFTS).

16 SECTION 4. SECTION 8611(A), (B) AND (C) OF TITLE 20 ARE
17 AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO
18 READ:

19 § 8611. PERSONS WHO MAY EXECUTE ANATOMICAL GIFT.

20 (A) GENERAL RULE.--ANY INDIVIDUAL OF SOUND MIND AND 18 YEARS
21 OF AGE OR MORE MAY GIVE ALL OR ANY PART OF HIS BODY FOR ANY
22 PURPOSE SPECIFIED IN SECTION 8612 (RELATING TO PERSONS WHO MAY
23 BECOME DONEES; PURPOSES FOR WHICH ANATOMICAL GIFTS MAY BE MADE),
24 THE GIFT TO TAKE EFFECT UPON DEATH. ANY AGENT ACTING UNDER A
25 POWER OF ATTORNEY, HEALTH CARE POWER OF ATTORNEY OR OTHER
26 DOCUMENT WHICH EXPRESSLY AUTHORIZES THE AGENT TO MAKE ANATOMICAL
27 GIFTS MAY EFFECTUATE A GIFT FOR ANY PURPOSE SPECIFIED IN SECTION
28 8612. ANY INDIVIDUAL WHO IS A MINOR AND 16 YEARS OF AGE OR OLDER
29 MAY EFFECTUATE A GIFT FOR ANY PURPOSE SPECIFIED IN SECTION 8612,
30 PROVIDED PARENTAL OR GUARDIAN CONSENT IS DEEMED GIVEN. PARENTAL

1 OR GUARDIAN CONSENT SHALL BE NOTED ON THE MINOR'S DONOR CARD,
2 APPLICATION FOR THE DONOR'S LEARNER'S PERMIT OR DRIVER'S LICENSE
3 OR OTHER DOCUMENT OF GIFT. A GIFT OF THE WHOLE BODY SHALL BE
4 INVALID UNLESS MADE IN WRITING AT LEAST 15 DAYS PRIOR TO THE
5 DATE OF DEATH OR CONSENT IS OBTAINED FROM THE LEGAL NEXT OF KIN.
6 WHERE THERE ARE ADULT CHILDREN OF THE DECEASED WHO ARE NOT
7 CHILDREN OF THE SURVIVING SPOUSE, THEIR CONSENT SHALL ALSO BE
8 REQUIRED FOR A GIFT OF THE WHOLE BODY FOR ANATOMICAL STUDY.

9 (B) [OTHERS ENTITLED] ENTITLED TO DONATE ANATOMY OF
10 DECEDENT.--[ANY] SUBJECT TO SUBSECTION (B.1), ANY OF THE
11 FOLLOWING PERSONS WHO ARE REASONABLY AVAILABLE, IN ORDER OF
12 PRIORITY STATED, WHEN PERSONS IN PRIOR CLASSES ARE NOT
13 REASONABLY AVAILABLE AT THE TIME OF DEATH, AND IN THE ABSENCE OF
14 [ACTUAL NOTICE OF CONTRARY INDICATIONS] KNOWN OBJECTIONS BY THE
15 DECEDENT OR [ACTUAL NOTICE OF OPPOSITION] BY A MEMBER OF [THE
16 SAME OR] A PRIOR CLASS, MAY GIVE ALL OR ANY PART OF THE
17 DECEDENT'S BODY, WITH THE EXCEPTION OF A VASCULARIZED COMPOSITE
18 ALLOGRAFT, FOR ANY PURPOSE SPECIFIED IN SECTION 8612:

- 19 (1) THE SPOUSE.
20 (2) AN ADULT SON OR DAUGHTER.
21 (3) EITHER PARENT.
22 (4) AN ADULT BROTHER OR SISTER.
23 (5) A GUARDIAN OF THE PERSON OF THE DECEDENT AT THE TIME
24 OF HIS DEATH.

25 (6) ANY OTHER PERSON AUTHORIZED OR UNDER OBLIGATION TO
26 DISPOSE OF THE BODY.]

27 (1) AN AGENT OF THE DECEDENT AT THE TIME OF DEATH IF THE
28 AGENT IS EXPRESSLY AUTHORIZED TO MAKE THE GIFT.

29 (2) THE SPOUSE OF THE DECEDENT, UNLESS AN ACTION FOR
30 DIVORCE IS PENDING.

- 1 (3) AN ADULT CHILD OF THE DECEDENT.
2 (4) A PARENT OF THE DECEDENT.
3 (5) AN ADULT SIBLING OF THE DECEDENT.
4 (6) AN ADULT GRANDCHILD OF THE DECEDENT.
5 (7) A GRANDPARENT OF THE DECEDENT.
6 (8) ANY OTHER PERSON RELATED TO THE DECEDENT BY BLOOD,
7 MARRIAGE OR ADOPTION.

- 8 (9) A GUARDIAN OF THE PERSON OF THE DECEDENT.
9 (10) A PERSON AUTHORIZED OR OBLIGATED TO DISPOSE OF THE
10 DECEDENT'S BODY.

11 (B.1) ANATOMICAL GIFTS PROHIBITED IN CERTAIN
12 CIRCUMSTANCES.--AN ANATOMICAL GIFT MAY NOT BE MADE BY A PERSON
13 SET FORTH IN SUBSECTION (B) IF, BEFORE AN INCISION HAS BEEN MADE
14 TO REMOVE A PART FROM THE DECEDENT'S BODY OR BEFORE INVASIVE
15 PROCEDURES HAVE BEGUN TO PREPARE AN INTENDED RECIPIENT, ANY OF
16 THE FOLLOWING APPLY:

17 (1) THE DISTRICT ATTORNEY OR A LAW ENFORCEMENT OFFICER
18 NOTIFIES THE ORGAN PROCUREMENT ORGANIZATION THAT THE PERSON
19 IS A SUSPECT OR A PERSON OF INTEREST IN CAUSING THE DISEASE,
20 ILLNESS, INJURY OR CONDITION OF THE DECEDENT.

21 (2) THE DISTRICT ATTORNEY OR A LAW ENFORCEMENT OFFICER
22 NOTIFIES THE ORGAN PROCUREMENT ORGANIZATION THAT THE PERSON
23 IS THE SUBJECT OF A PROTECTION FROM ABUSE ORDER, AN ORDER
24 ISSUED UNDER 42 PA.C.S. CH. 62A (RELATING TO PROTECTION OF
25 VICTIMS OF SEXUAL VIOLENCE OR INTIMIDATION), OR SIMILAR ORDER
26 FROM A COURT THAT WAS ISSUED TO THE DECEDENT.

27 (3) THE DISTRICT ATTORNEY OR A LAW ENFORCEMENT OFFICER
28 NOTIFIES THE ORGAN PROCUREMENT ORGANIZATION THAT THE PERSON
29 HAS BEEN ARRESTED OR DETAINED IN CONNECTION WITH THE
30 CONDITION OF THE DECEDENT.

1 (B.2) DOCUMENTATION REQUIRED.--THE ORGAN PROCUREMENT
2 ORGANIZATION SHALL DOCUMENT THE PROCEDURE TAKEN TO CONTACT ANY
3 OF THE PERSONS IN SUBSECTION (B). SUCH DOCUMENTATION SHALL BE
4 MAINTAINED BY THE ORGAN PROCUREMENT ORGANIZATION FOR A MINIMUM
5 OF SIX YEARS.

6 (B.3) NO OBLIGATION TO MAKE GIFT.--THE FOLLOWING APPLY:

7 (1) A PERSON DESCRIBED IN SUBSECTION (B) (2), (3), (4),
8 (5), (6), (7), (8), (9) OR (10) DOES NOT HAVE A LEGAL
9 OBLIGATION TO CONSENT TO MAKING A GIFT OF THE DECEDENT'S BODY
10 OR PART OF THE BODY.

11 (2) BEFORE MAKING A GIFT OF THE DECEDENT'S BODY OR PART
12 OF THE BODY, A PERSON DESCRIBED IN SUBSECTION (B) (2), (3),
13 (4), (5), (6), (7), (8), (9) OR (10) IS ENCOURAGED TO
14 CONSIDER THE DECEDENT'S MORAL AND RELIGIOUS BELIEFS REGARDING
15 ANATOMICAL DONATION, IF THOSE BELIEFS ARE KNOWN TO THE
16 PERSON.

17 (C) DONEE NOT TO ACCEPT IN CERTAIN CASES.--[IF THE]

18 (1) THE DONEE MAY NOT ACCEPT A GIFT UNDER ANY OF THE
19 FOLLOWING CIRCUMSTANCES:

20 (I) THE DONEE [HAS ACTUAL NOTICE OF CONTRARY
21 INDICATIONS] KNOWS OF AN OBJECTION BY THE DECEDENT [OR].

22 (II) THE DONEE KNOWS THAT A GIFT BY A MEMBER OF A
23 CLASS IS OPPOSED BY A REASONABLY AVAILABLE MEMBER OF [THE
24 SAME OR] A PRIOR CLASS[, THE DONEE SHALL NOT ACCEPT THE
25 GIFT].

26 (III) THE DONEE KNOWS THAT A GIFT BY A MEMBER OF A
27 CLASS IS OPPOSED BY AT LEAST 50% OF THE REASONABLY
28 AVAILABLE MEMBERS OF THE SAME CLASS.

29 (2) THE PERSONS AUTHORIZED BY SUBSECTION (B) MAY MAKE
30 THE GIFT AFTER OR IMMEDIATELY BEFORE DEATH.

1 * * *

2 SECTION 5. SECTION 8612 OF TITLE 20 IS AMENDED TO READ:

3 § 8612. PERSONS WHO MAY BECOME DONEES; PURPOSES FOR WHICH
4 ANATOMICAL GIFTS MAY BE MADE.

5 [THE FOLLOWING PERSONS MAY BECOME DONEES OF GIFTS OF BODIES
6 OR PARTS THEREOF FOR ANY OF THE PURPOSES STATED:

7 (1) ANY HOSPITAL, SURGEON OR PHYSICIAN FOR MEDICAL OR
8 DENTAL EDUCATION, RESEARCH, ADVANCEMENT OF MEDICAL OR DENTAL
9 SCIENCE, THERAPY OR TRANSPLANTATION.

10 (2) ANY ACCREDITED MEDICAL OR DENTAL SCHOOL, COLLEGE OR
11 UNIVERSITY FOR EDUCATION, RESEARCH, ADVANCEMENT OF MEDICAL OR
12 DENTAL SCIENCE OR THERAPY.

13 (3) ANY BANK OR STORAGE FACILITY FOR MEDICAL OR DENTAL
14 EDUCATION, RESEARCH, ADVANCEMENT OF MEDICAL OR DENTAL
15 SCIENCE, THERAPY OR TRANSPLANTATION.

16 (4) ANY SPECIFIED INDIVIDUAL FOR THERAPY OR
17 TRANSPLANTATION NEEDED BY HIM.

18 (5) THE BOARD.]

19 (A) DONEES.--AN ANATOMICAL GIFT MAY BE MADE TO ANY OF THE
20 FOLLOWING PERSONS NAMED IN THE DOCUMENT OF GIFT:

21 (1) IF FOR RESEARCH OR EDUCATION, ANY OF THE FOLLOWING:

22 (I) A HOSPITAL.

23 (II) AN ACCREDITED MEDICAL SCHOOL, DENTAL SCHOOL,
24 COLLEGE OR UNIVERSITY.

25 (III) THE BOARD.

26 (IV) AN ORGAN PROCUREMENT ORGANIZATION.

27 (V) ANY OTHER APPROPRIATE PERSON AS PERMITTED BY
28 LAW.

29 (2) SUBJECT TO SUBSECTION (B), AN INDIVIDUAL DESIGNATED
30 BY THE PERSON MAKING THE ANATOMICAL GIFT IF THE INDIVIDUAL IS

1 THE RECIPIENT OF THE PART.

2 (3) AN EYE BANK OR A TISSUE BANK.

3 (4) AN ORGAN PROCUREMENT ORGANIZATION.

4 (B) DIRECTED DONATION.--IF AN ANATOMICAL GIFT TO AN
5 INDIVIDUAL UNDER SUBSECTION (A) (2) CANNOT BE TRANSPLANTED INTO
6 THE INDIVIDUAL, THE PART SHALL PASS IN ACCORDANCE WITH
7 SUBSECTION (C) IF AUTHORIZED BY THE PERSON MAKING THE ANATOMICAL
8 GIFT.

9 (C) ORGAN FOR TRANSPLANT OR THERAPY.--AN ANATOMICAL GIFT OF
10 AN ORGAN FOR TRANSPLANTATION OR THERAPY, OTHER THAN AN
11 ANATOMICAL GIFT UNDER SUBSECTION (A) (2), SHALL PASS TO THE ORGAN
12 PROCUREMENT ORGANIZATION.

13 (D) DEFAULT.--IF THE INTENDED PURPOSE OR RECIPIENT OF AN
14 ANATOMICAL GIFT IS NOT KNOWN, THE FOLLOWING SHALL APPLY:

15 (1) IF THE PART IS AN EYE, THE GIFT SHALL PASS TO THE
16 APPROPRIATE EYE BANK.

17 (2) IF THE PART IS TISSUE, THE GIFT SHALL PASS TO THE
18 APPROPRIATE TISSUE BANK.

19 (3) IF THE PART IS AN ORGAN, THE GIFT SHALL PASS TO THE
20 APPROPRIATE ORGAN PROCUREMENT ORGANIZATION.

21 (4) IF THE GIFT IS OF THE DECEDENT'S ENTIRE BODY, THE
22 GIFT SHALL PASS TO THE BOARD.

23 (E) MULTIPLE PURPOSES.--IF THERE IS MORE THAN ONE PURPOSE OF
24 AN ANATOMICAL GIFT SET FORTH IN THE DOCUMENT OF GIFT BUT THE
25 PURPOSES ARE NOT SET FORTH IN ANY PRIORITY, THE GIFT SHALL BE
26 USED FOR TRANSPLANTATION OR THERAPY, IF SUITABLE AND ENUMERATED
27 IN THE DOCUMENT OF GIFT, AND SHALL PASS TO THE APPROPRIATE ORGAN
28 PROCUREMENT ORGANIZATION. IF THE GIFT CANNOT BE USED FOR
29 TRANSPLANTATION OR THERAPY, THE GIFT MAY BE USED FOR OTHER
30 LAWFUL PURPOSES ENUMERATED IN THE DOCUMENT OF GIFT.

1 (F) UNSPECIFIED PURPOSE.--IF AN ANATOMICAL GIFT IS MADE IN A
2 DOCUMENT OF GIFT THAT DOES NOT NAME A PERSON DESCRIBED IN
3 SUBSECTION (A) AND DOES NOT IDENTIFY THE PURPOSE OF THE GIFT,
4 THE GIFT MAY BE USED ONLY FOR TRANSPLANTATION OR THERAPY, AND
5 THE GIFT SHALL PASS IN ACCORDANCE WITH SUBSECTION (D).

6 SECTION 6. SECTION 8613(D) AND (E) OF TITLE 20 ARE AMENDED
7 AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

8 § 8613. MANNER OF EXECUTING ANATOMICAL GIFTS.

9 * * *

10 (B.1) OTHER MEANS.--AN ANATOMICAL GIFT MAY BE MADE BY A
11 STATEMENT OR SYMBOL INDICATING THAT THE DONOR HAS MADE AN
12 ANATOMICAL GIFT, WHICH SHALL BE RECORDED IN A DONOR REGISTRY OR
13 ON THE DONOR'S DRIVER'S LICENSE OR IDENTIFICATION CARD. IF AN
14 ANATOMICAL GIFT IS INDICATED ON A DRIVER'S LICENSE OR AN
15 IDENTIFICATION CARD, THE ANATOMICAL GIFT IS NOT INVALIDATED BY
16 REVOCAION, SUSPENSION, EXPIRATION OR CANCELLATION OF:

17 (1) THE DRIVER'S LICENSE UNDER 75 PA.C.S. CH. 15
18 (RELATING TO LICENSING OF DRIVERS); OR

19 (2) THE IDENTIFICATION CARD BY THE DEPARTMENT OF
20 TRANSPORTATION.

21 * * *

22 [(D) DESIGNATION OF PERSON TO CARRY OUT PROCEDURES.--
23 NOTWITHSTANDING SECTION 8616(B) (RELATING TO RIGHTS AND DUTIES
24 AT DEATH), THE DONOR MAY DESIGNATE IN HIS WILL, CARD OR OTHER
25 DOCUMENT OF GIFT THE SURGEON OR PHYSICIAN TO CARRY OUT THE
26 APPROPRIATE PROCEDURES. IN THE ABSENCE OF A DESIGNATION OR IF
27 THE DESIGNEE IS NOT AVAILABLE, THE DONEE OR OTHER PERSON
28 AUTHORIZED TO ACCEPT THE GIFT MAY EMPLOY OR AUTHORIZE ANY
29 SURGEON OR PHYSICIAN FOR THE PURPOSE, OR, IN THE CASE OF A GIFT
30 OF EYES, HE MAY EMPLOY OR AUTHORIZE A PERSON WHO IS A FUNERAL

1 DIRECTOR LICENSED BY THE STATE BOARD OF FUNERAL DIRECTORS, AN
2 EYE BANK TECHNICIAN OR MEDICAL STUDENT, IF THE PERSON HAS
3 SUCCESSFULLY COMPLETED A COURSE IN EYE ENUCLEATION APPROVED BY
4 THE STATE BOARD OF MEDICAL EDUCATION AND LICENSURE, OR AN EYE
5 BANK TECHNICIAN OR MEDICAL STUDENT TRAINED UNDER A PROGRAM IN
6 THE STERILE TECHNIQUE FOR EYE ENUCLEATION APPROVED BY THE STATE
7 BOARD OF MEDICAL EDUCATION AND LICENSURE TO ENUCLEATE EYES FOR
8 AN EYE BANK FOR THE GIFT AFTER CERTIFICATION OF DEATH BY A
9 PHYSICIAN. A QUALIFIED FUNERAL DIRECTOR, EYE BANK TECHNICIAN OR
10 MEDICAL STUDENT ACTING IN ACCORDANCE WITH THE TERMS OF THIS
11 SUBSECTION SHALL NOT HAVE ANY LIABILITY, CIVIL OR CRIMINAL, FOR
12 THE EYE ENUCLEATION.]

13 (D.1) RELIANCE.--SUBJECT TO THE PROVISIONS OF SECTION
14 8616(C) (RELATING TO RIGHTS AND DUTIES AT DEATH), A PERSON MAY
15 RELY ON A DOCUMENT OF GIFT OR AMENDMENT TO A DOCUMENT OF GIFT AS
16 BEING VALID UNLESS THAT PERSON KNOWS THAT THE DOCUMENT OF GIFT
17 WAS NOT VALIDLY EXECUTED OR WAS REVOKED.

18 (E) CONSENT NOT NECESSARY.--[IF A DONOR CARD, DONOR DRIVER'S
19 LICENSE, LIVING WILL, DURABLE POWER OF ATTORNEY OR OTHER
20 DOCUMENT OF GIFT EVIDENCING A GIFT OF ORGANS OR TISSUE HAS BEEN
21 EXECUTED,]

22 (1) SUBJECT TO PARAGRAPH (2), A DONOR'S GIFT OF ALL OR
23 ANY PART OF THE DONOR'S BODY, INCLUDING A DESIGNATION IN A
24 REGISTRY ON A DRIVER'S LICENSE OR IDENTIFICATION CARD, DONOR
25 CARD, ADVANCE HEALTH CARE DIRECTIVE, WILL OR OTHER DOCUMENT
26 OF GIFT, MAY NOT BE REVOKED BY THE NEXT OF KIN OR OTHER
27 PERSONS IDENTIFIED IN SECTION 8611(B). THE CONSENT OF ANY
28 PERSON [DESIGNATED IN SECTION 8611(B)] AT THE TIME OF THE
29 DONOR'S DEATH OR IMMEDIATELY THEREAFTER IS NOT NECESSARY TO
30 RENDER THE GIFT VALID AND EFFECTIVE. THIS PARAGRAPH SHALL NOT

1 BE CONSTRUED TO PERMIT THE DONATION OF A VASCULARIZED
2 COMPOSITE ALLOGRAFT.

3 (2) AN AGENT, ONLY IF EXPRESSLY AUTHORIZED IN WRITING IN
4 A POWER OF ATTORNEY, ADVANCE HEALTH CARE DIRECTIVE, HEALTH
5 CARE POWER OF ATTORNEY OR OTHER DOCUMENT TO OVERRIDE THE
6 DECEDENT'S INSTRUCTIONS ON THE MAKING OF AN ANATOMICAL GIFT,
7 MAY REVOKE THE DECEDENT'S GIFT. THIS PARAGRAPH SHALL NOT BE
8 CONSTRUED TO PERMIT THE DONATION OF A VASCULARIZED COMPOSITE
9 ALLOGRAFT.

10 * * *

11 (G) VALIDITY.--A DOCUMENT OF GIFT IS VALID IF EXECUTED IN
12 ACCORDANCE WITH:

13 (1) THIS SUBCHAPTER;

14 (2) THE LAW OF THE STATE OR COUNTRY WHERE IT WAS
15 EXECUTED; OR

16 (3) THE LAW OF THE STATE OR COUNTRY WHERE, AT THE TIME
17 OF EXECUTION OF THE DOCUMENT OF GIFT, THE PERSON MAKING THE
18 ANATOMICAL GIFT:

19 (I) IS DOMICILED;

20 (II) HAS A PLACE OF RESIDENCE; OR

21 (III) IS A CITIZEN.

22 (H) CHOICE OF LAW.--IF A DOCUMENT OF GIFT IS VALID UNDER
23 THIS SECTION, THE LAW OF THIS COMMONWEALTH GOVERNS
24 INTERPRETATION OF THE DOCUMENT.

25 (I) RIGHTS AND PROTECTIONS FOR CERTAIN INDIVIDUALS.--

26 (1) AN INDIVIDUAL WHO IS IN NEED OF AN ANATOMICAL GIFT
27 SHALL NOT BE DEEMED INELIGIBLE TO RECEIVE AN ANATOMICAL GIFT
28 SOLELY BECAUSE OF THE INDIVIDUAL'S PHYSICAL OR MENTAL
29 DISABILITY, EXCEPT TO THE EXTENT THAT THE PHYSICAL OR MENTAL
30 DISABILITY HAS BEEN FOUND BY A PHYSICIAN OR SURGEON FOLLOWING

1 AN INDIVIDUALIZED EVALUATION OF THE INDIVIDUAL TO BE
2 MEDICALLY SIGNIFICANT TO THE PROVISION OF THE ANATOMICAL
3 GIFT. IF AN INDIVIDUAL HAS THE NECESSARY SUPPORT SYSTEM TO
4 ASSIST THE INDIVIDUAL IN COMPLYING WITH POSTTRANSPLANT
5 MEDICAL REQUIREMENTS, AN INDIVIDUAL'S INABILITY TO
6 INDEPENDENTLY COMPLY WITH THOSE REQUIREMENTS SHALL NOT BE
7 DEEMED TO BE MEDICALLY SIGNIFICANT.

8 (2) AS USED IN THIS SUBSECTION, "DISABILITY" SHALL HAVE
9 THE SAME MEANING AS IN THE AMERICANS WITH DISABILITIES ACT OF
10 1990 (PUBLIC LAW 101-336, 104 STAT. 327).

11 SECTION 7. SECTIONS 8616(B), (C) AND (D), 8617, 8619, 8621,
12 8622, 8623 AND 8624 OF TITLE 20 ARE AMENDED TO READ:

13 § 8616. RIGHTS AND DUTIES AT DEATH.

14 * * *

15 (B) PHYSICIANS.--THE TIME OF DEATH SHALL BE DETERMINED BY A
16 PHYSICIAN WHO TENDS THE DONOR AT HIS DEATH OR, IF NONE, THE
17 PHYSICIAN WHO CERTIFIES THE DEATH. [THE PHYSICIAN OR PERSON WHO
18 CERTIFIES DEATH OR ANY OF HIS PROFESSIONAL PARTNERS OR
19 ASSOCIATES SHALL NOT PARTICIPATE IN THE PROCEDURES FOR REMOVING
20 OR TRANSPLANTING A PART.]

21 (C) CERTAIN LIABILITY LIMITED.--[A] THE FOLLOWING SHALL
22 APPLY:

23 (1) SUBJECT TO PARAGRAPH (2), A PERSON WHO ACTS IN GOOD
24 FAITH IN ACCORDANCE WITH THE TERMS OF THIS SUBCHAPTER OR WITH
25 THE ANATOMICAL GIFT LAWS OF ANOTHER STATE OR A FOREIGN
26 COUNTRY [IS NOT] SHALL NOT BE LIABLE FOR DAMAGES IN ANY CIVIL
27 ACTION OR SUBJECT TO PROSECUTION IN ANY CRIMINAL PROCEEDING
28 FOR [HIS] THE PERSON'S ACT.

29 (2) THE IMMUNITY FROM CIVIL LIABILITY PROVIDED UNDER
30 PARAGRAPH (1) SHALL NOT EXTEND TO ACTS OR OMISSIONS RESULTING

1 FROM GROSS NEGLIGENCE, RECKLESSNESS OR INTENTIONAL MISCONDUCT
2 OF THE PERSON.

3 (3) NEITHER A PERSON MAKING AN ANATOMICAL GIFT NOR A
4 DONOR'S ESTATE SHALL BE LIABLE FOR INJURY OR DAMAGE THAT
5 RESULTS FROM THE MAKING OR USE OF THE ANATOMICAL GIFT. IN
6 DETERMINING WHETHER AN ANATOMICAL GIFT HAS BEEN MADE, AMENDED
7 OR REVOKED UNDER THIS SUBCHAPTER, A PERSON MAY RELY UPON
8 REPRESENTATIONS OF AN INDIVIDUAL LISTED IN SECTION 8611(B)
9 REGARDING THE INDIVIDUAL'S RELATIONSHIP TO THE DONOR OR
10 DECEDENT UNLESS THE PERSON KNOWS THAT THE REPRESENTATION IS
11 UNTRUE.

12 (D) LAW ON AUTOPSIES APPLICABLE.--[THE] SUBJECT TO THE
13 PROVISIONS OF SECTION 8626 (RELATING TO FACILITATION OF
14 ANATOMICAL GIFT FROM DECEDENT WHOSE DEATH IS UNDER
15 INVESTIGATION), THE PROVISIONS OF THIS SUBCHAPTER ARE SUBJECT TO
16 THE LAWS OF THIS COMMONWEALTH PRESCRIBING POWERS AND DUTIES WITH
17 RESPECT TO AUTOPSIES. NOTWITHSTANDING 18 PA.C.S. CH. 91
18 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION), AN ORGAN
19 PROCUREMENT ORGANIZATION IS AUTHORIZED TO OBTAIN A COPY OF AN
20 AUTOPSY REPORT IN A TIMELY FASHION UPON REQUEST AND PAYMENT OF
21 REASONABLE COPYING FEES.

22 § 8617. REQUESTS FOR ANATOMICAL GIFTS.

23 [(A) PROCEDURE.--ON OR BEFORE THE OCCURRENCE OF EACH DEATH
24 IN AN ACUTE CARE GENERAL HOSPITAL, THE HOSPITAL SHALL MAKE
25 CONTACT WITH THE REGIONAL ORGAN PROCUREMENT ORGANIZATION IN
26 ORDER TO DETERMINE THE SUITABILITY FOR ORGAN, TISSUE AND EYE
27 DONATION FOR ANY PURPOSE SPECIFIED UNDER THIS SUBCHAPTER. THIS
28 CONTACT AND THE DISPOSITION SHALL BE NOTED ON THE PATIENT'S
29 MEDICAL RECORD.

30 (B) LIMITATION.--IF THE HOSPITAL ADMINISTRATOR OR HIS

1 DESIGNEE HAS RECEIVED ACTUAL NOTICE OF OPPOSITION FROM ANY OF
2 THE PERSONS NAMED IN SECTION 8611(B) (RELATING TO PERSONS WHO
3 MAY EXECUTE ANATOMICAL GIFT) AND THE DECEDENT WAS NOT IN
4 POSSESSION OF A VALIDLY EXECUTED DONOR CARD, THE GIFT OF ALL OR
5 ANY PART OF THE DECEDENT'S BODY SHALL NOT BE REQUESTED.

6 (C) DONOR CARD.--NOTWITHSTANDING ANY PROVISION OF LAW TO THE
7 CONTRARY, THE INTENT OF A DECEDENT TO PARTICIPATE IN AN ORGAN
8 DONOR PROGRAM AS EVIDENCED BY THE POSSESSION OF A VALIDLY
9 EXECUTED DONOR CARD, DONOR DRIVER'S LICENSE, LIVING WILL,
10 DURABLE POWER OF ATTORNEY OR OTHER DOCUMENT OF GIFT SHALL NOT BE
11 REVOKED BY ANY MEMBER OF ANY OF THE CLASSES SPECIFIED IN SECTION
12 8611(B).

13 (D) IDENTIFICATION OF POTENTIAL DONORS.--EACH ACUTE CARE
14 GENERAL HOSPITAL SHALL DEVELOP WITHIN ONE YEAR OF THE DATE OF
15 FINAL ENACTMENT OF THIS SECTION, WITH THE CONCURRENCE OF THE
16 HOSPITAL MEDICAL STAFF, A PROTOCOL FOR IDENTIFYING POTENTIAL
17 ORGAN AND TISSUE DONORS. IT SHALL REQUIRE THAT, AT OR NEAR THE
18 TIME OF EVERY INDIVIDUAL DEATH, ALL ACUTE CARE GENERAL HOSPITALS
19 CONTACT BY TELEPHONE THEIR REGIONAL ORGAN PROCUREMENT
20 ORGANIZATION TO DETERMINE SUITABILITY FOR ORGAN, TISSUE AND EYE
21 DONATION OF THE INDIVIDUAL IN QUESTION. THE PERSON DESIGNATED BY
22 THE ACUTE CARE GENERAL HOSPITAL TO CONTACT THE ORGAN PROCUREMENT
23 ORGANIZATION SHALL HAVE THE FOLLOWING INFORMATION AVAILABLE
24 PRIOR TO MAKING THE CONTACT:

25 (1) THE PATIENT'S IDENTIFIER NUMBER.

26 (2) THE PATIENT'S AGE.

27 (3) THE CAUSE OF DEATH.

28 (4) ANY PAST MEDICAL HISTORY AVAILABLE.

29 THE ORGAN PROCUREMENT ORGANIZATION, IN CONSULTATION WITH THE
30 PATIENT'S ATTENDING PHYSICIAN OR HIS DESIGNEE, SHALL DETERMINE

1 THE SUITABILITY FOR DONATION. IF THE ORGAN PROCUREMENT
2 ORGANIZATION IN CONSULTATION WITH THE PATIENT'S ATTENDING
3 PHYSICIAN OR HIS DESIGNEE DETERMINES THAT DONATION IS NOT
4 APPROPRIATE BASED ON ESTABLISHED MEDICAL CRITERIA, THIS SHALL BE
5 NOTED BY HOSPITAL PERSONNEL ON THE PATIENT'S RECORD, AND NO
6 FURTHER ACTION IS NECESSARY. IF THE ORGAN PROCUREMENT
7 ORGANIZATION IN CONSULTATION WITH THE PATIENT'S ATTENDING
8 PHYSICIAN OR HIS DESIGNEE DETERMINES THAT THE PATIENT IS A
9 SUITABLE CANDIDATE FOR ANATOMICAL DONATION, THE ACUTE CARE
10 GENERAL HOSPITAL SHALL INITIATE A REQUEST BY INFORMING THE
11 PERSONS AND FOLLOWING THE PROCEDURE DESIGNATED UNDER SECTION
12 8611(B) OF THE OPTION TO DONATE ORGANS, TISSUES OR EYES. THE
13 PERSON INITIATING THE REQUEST SHALL BE AN ORGAN PROCUREMENT
14 ORGANIZATION REPRESENTATIVE OR A DESIGNATED REQUESTOR. THE ORGAN
15 PROCUREMENT ORGANIZATION REPRESENTATIVE OR DESIGNATED REQUESTOR
16 SHALL ASK PERSONS PURSUANT TO SECTION 8611(B) WHETHER THE
17 DECEASED WAS AN ORGAN DONOR. IF THE PERSON DESIGNATED UNDER
18 SECTION 8611(B) DOES NOT KNOW, THEN THIS PERSON SHALL BE
19 INFORMED OF THE OPTION TO DONATE ORGANS AND TISSUES. THE
20 PROTOCOL SHALL ENCOURAGE DISCRETION AND SENSITIVITY TO FAMILY
21 CIRCUMSTANCES IN ALL DISCUSSIONS REGARDING DONATIONS OF TISSUE
22 OR ORGANS. THE PROTOCOL SHALL TAKE INTO ACCOUNT THE DECEASED
23 INDIVIDUAL'S RELIGIOUS BELIEFS OR NONSUITABILITY FOR ORGAN AND
24 TISSUE DONATION.

25 (E) TISSUE PROCUREMENT.--

26 (1) THE FIRST PRIORITY USE FOR ALL TISSUE SHALL BE
27 TRANSPLANTATION.

28 (2) UPON DEPARTMENT OF HEALTH APPROVAL OF GUIDELINES
29 PURSUANT TO SUBSECTION (F) (1) (II), ALL ACUTE CARE GENERAL
30 HOSPITALS SHALL SELECT AT LEAST ONE TISSUE PROCUREMENT

1 PROVIDER. A HOSPITAL SHALL NOTIFY THE REGIONAL ORGAN
2 PROCUREMENT ORGANIZATION OF ITS CHOICE OF TISSUE PROCUREMENT
3 PROVIDERS. IF A HOSPITAL CHOOSES MORE THAN ONE TISSUE
4 PROCUREMENT PROVIDER, IT MAY SPECIFY A ROTATION OF REFERRALS
5 BY THE ORGAN PROCUREMENT ORGANIZATION TO THE DESIGNATED
6 TISSUE PROCUREMENT PROVIDERS.

7 (3) UNTIL THE DEPARTMENT OF HEALTH HAS APPROVED
8 GUIDELINES PURSUANT TO SUBSECTION (F) (1) (II), TISSUE
9 REFERRALS AT EACH HOSPITAL SHALL BE ROTATED IN A PROPORTION
10 EQUAL TO THE AVERAGE RATE OF DONORS RECOVERED AMONG THE
11 TISSUE PROCUREMENT PROVIDERS AT THAT HOSPITAL DURING THE TWO-
12 YEAR PERIOD ENDING AUGUST 31, 1994.

13 (4) THE REGIONAL ORGAN PROCUREMENT ORGANIZATION, WITH
14 THE ASSISTANCE OF TISSUE PROCUREMENT PROVIDERS, SHALL SUBMIT
15 AN ANNUAL REPORT TO THE GENERAL ASSEMBLY ON THE FOLLOWING:

16 (I) THE NUMBER OF TISSUE DONORS.

17 (II) THE NUMBER OF TISSUE PROCUREMENTS FOR
18 TRANSPLANTATION.

19 (III) THE NUMBER OF TISSUE PROCUREMENTS RECOVERED
20 FOR RESEARCH BY EACH TISSUE PROCUREMENT PROVIDER
21 OPERATING IN THIS COMMONWEALTH.]

22 (A) PROCEDURE.--A HOSPITAL LOCATED IN THIS COMMONWEALTH
23 SHALL NOTIFY THE APPLICABLE DESIGNATED ORGAN PROCUREMENT
24 ORGANIZATION OR A THIRD PARTY DESIGNATED BY THE ORGAN
25 PROCUREMENT ORGANIZATION OF AN INDIVIDUAL WHOSE DEATH IS
26 IMMINENT OR WHO HAS DIED IN THE HOSPITAL. NOTIFICATION SHALL BE
27 MADE IN A TIMELY MANNER TO ENSURE THAT EXAMINATION, EVALUATION
28 AND ASCERTAINMENT OF DONOR STATUS AS SPECIFIED IN SUBSECTION (D)
29 MAY BE COMPLETED WITHIN A TIME FRAME COMPATIBLE WITH THE
30 DONATION OF ORGANS AND TISSUES FOR TRANSPLANT. THE NOTIFICATION

1 SHALL BE MADE WITHOUT REGARD TO WHETHER THE PERSON HAS EXECUTED
2 AN ADVANCE HEALTH CARE DIRECTIVE.

3 (B) REFERRALS.--IF AN ORGAN PROCUREMENT ORGANIZATION
4 RECEIVES A REFERRAL OF AN INDIVIDUAL WHOSE DEATH IS IMMINENT OR
5 WHO HAS DIED IN A HOSPITAL, THE ORGAN PROCUREMENT ORGANIZATION
6 SHALL MAKE A REASONABLE SEARCH OF THE RECORDS OF THE DONATE LIFE
7 PA REGISTRY OR THE APPLICABLE STATE DONOR REGISTRY THAT THE
8 ORGAN PROCUREMENT ORGANIZATION KNOWS EXISTS FOR THE GEOGRAPHIC
9 AREA IN WHICH THE INDIVIDUAL RESIDED OR RESIDES IN ORDER TO
10 ASCERTAIN WHETHER THE INDIVIDUAL HAS MADE AN ANATOMICAL GIFT.

11 (C) DOCUMENT OF GIFT.--

12 (1) IF THE INDIVIDUAL WHOSE DEATH IS IMMINENT OR HAS
13 DIED IN THE HOSPITAL HAS A DOCUMENT OF GIFT WHICH AUTHORIZES
14 AN ANATOMICAL DONATION, INCLUDING REGISTRATION WITH THE
15 DONATE LIFE PA REGISTRY, THE ORGAN PROCUREMENT ORGANIZATION
16 REPRESENTATIVE OR THE DESIGNATED REQUESTOR SHALL ATTEMPT TO
17 NOTIFY A PERSON LISTED IN SECTION 8611(B) (RELATING TO
18 PERSONS WHO MAY EXECUTE ANATOMICAL GIFT) OF THE GIFT.

19 (2) IF NO DOCUMENT OF GIFT IS KNOWN TO THE ORGAN
20 PROCUREMENT ORGANIZATION REPRESENTATIVE OR THE DESIGNATED
21 REQUESTOR, THEN THE ORGAN PROCUREMENT ORGANIZATION
22 REPRESENTATIVE OR THE DESIGNATED REQUESTOR SHALL ASK THE
23 PERSONS LISTED IN SECTION 8611(B) WHETHER THE INDIVIDUAL HAD
24 A VALIDLY EXECUTED DOCUMENT OF GIFT. IF THERE IS NO EVIDENCE
25 OF AN ANATOMICAL GIFT BY THE INDIVIDUAL, THE ORGAN
26 PROCUREMENT ORGANIZATION REPRESENTATIVE OR THE DESIGNATED
27 REQUESTOR SHALL NOTIFY A PERSON LISTED IN SECTION 8611(B) OF
28 THE OPTION TO DONATE ORGANS AND TISSUES. THE NOTIFICATION
29 SHALL BE PERFORMED IN ACCORDANCE WITH A PROTOCOL THAT
30 ENCOURAGES DISCRETION AND SENSITIVITY TO FAMILY CIRCUMSTANCES

1 IN ALL DISCUSSIONS REGARDING DONATIONS OF ORGANS AND TISSUES.
2 THE PROTOCOL SHALL TAKE INTO ACCOUNT THE INDIVIDUAL'S
3 RELIGIOUS BELIEFS OR NONSUITABILITY FOR ORGAN AND TISSUE
4 DONATION.

5 (3) THE HOSPITAL ADMINISTRATOR OR THE HOSPITAL
6 ADMINISTRATOR'S DESIGNATED REPRESENTATIVE SHALL INDICATE IN
7 THE MEDICAL RECORD OF THE INDIVIDUAL THE INFORMATION UNDER
8 THIS PARAGRAPH. THE INFORMATION SHALL ALSO BE COMMUNICATED BY
9 THE HOSPITAL ADMINISTRATOR OR THE HOSPITAL ADMINISTRATOR'S
10 DESIGNEE TO THE ORGAN PROCUREMENT ORGANIZATION OR DESIGNATED
11 REQUESTOR, AS APPROPRIATE:

12 (I) WHETHER OR NOT A DOCUMENT OF GIFT IS KNOWN TO
13 EXIST AND WHETHER A GIFT WAS MADE;

14 (II) IF A GIFT WAS MADE, THE NAME OF THE PERSON
15 GRANTING THE GIFT AND THAT PERSON'S RELATIONSHIP TO THE
16 INDIVIDUAL; AND

17 (III) ALL OF THE FOLLOWING:

18 (A) WHETHER THE INDIVIDUAL EXECUTED AN ADVANCE
19 HEALTH CARE DIRECTIVE, LIVING WILL, POWER OF
20 ATTORNEY, HEALTH CARE POWER OF ATTORNEY, WILL OR
21 OTHER DOCUMENT, INCLUDING A DO-NOT-RESUSCITATE (DNR)
22 ORDER, EVIDENCING AN INTENTION TO LIMIT, WITHDRAW OR
23 WITHHOLD LIFE-SUSTAINING MEASURES.

24 (B) WHETHER THE INDIVIDUAL INDICATED IN AN
25 ADVANCE HEALTH CARE DIRECTIVE, LIVING WILL, POWER OF
26 ATTORNEY, HEALTH CARE POWER OF ATTORNEY, WILL OR
27 OTHER DOCUMENT AN INTENTION TO LIMIT THE ANATOMICAL
28 GIFTS OF THE INDIVIDUAL IN ANY WAY, INCLUDING THE
29 INTENTION TO LIMIT AN ANATOMICAL GIFT TO PARTS OF THE
30 BODY WHICH DO NOT REQUIRE A VENTILATOR OR OTHER LIFE-

1 SUSTAINING MEASURES, OR TO DENY MAKING OR REFUSING TO
2 MAKE AN ANATOMICAL GIFT.

3 (C) WHETHER THE INDIVIDUAL AMENDED OR REVOKED AN
4 ANATOMICAL GIFT IN ANY DOCUMENT SPECIFIED IN THIS
5 SUBPARAGRAPH OR IN ANY OTHER DOCUMENT OR IN
6 ACCORDANCE WITH SECTION 8615 (RELATING TO AMENDMENT
7 OR REVOCATION OF GIFT).

8 (D) TESTING.--

9 (1) THIS SUBSECTION SHALL APPLY IF:

10 (I) A HOSPITAL REFERS AN INDIVIDUAL WHOSE DEATH IS
11 IMMINENT OR WHO HAS DIED IN A HOSPITAL TO AN ORGAN
12 PROCUREMENT ORGANIZATION;

13 (II) THE ORGAN PROCUREMENT ORGANIZATION, IN
14 CONSULTATION WITH THE INDIVIDUAL'S ATTENDING PHYSICIAN OR
15 A DESIGNEE, DETERMINES BASED UPON A MEDICAL RECORD REVIEW
16 AND OTHER INFORMATION SUPPLIED BY THE INDIVIDUAL'S
17 ATTENDING PHYSICIAN OR A DESIGNEE, THAT THE INDIVIDUAL
18 MAY BE A PROSPECTIVE DONOR; AND

19 (III) THE INDIVIDUAL HAS NOT:

20 (A) INDICATED IN AN ADVANCE HEALTH CARE
21 DIRECTIVE, A LIVING WILL, POWER OF ATTORNEY, HEALTH
22 CARE POWER OF ATTORNEY, WILL, DNR ORDER OR OTHER
23 DOCUMENT AN INTENTION TO EITHER LIMIT THE ANATOMICAL
24 GIFTS OF THE INDIVIDUAL TO PARTS OF THE BODY WHICH DO
25 NOT REQUIRE A VENTILATOR OR OTHER LIFE-SUSTAINING
26 MEASURES OR INDICATED AN INTENTION TO DENY MAKING OR
27 REFUSING TO MAKE AN ANATOMICAL GIFT; OR

28 (B) AMENDED OR REVOKED AN ANATOMICAL GIFT IN ANY
29 DOCUMENT SPECIFIED IN SUBSECTION (C) (3) OR IN ANY
30 OTHER DOCUMENT OR IN ACCORDANCE WITH SECTION 8615.

1 (2) IF THE REQUIREMENTS OF PARAGRAPH (1) ARE MET, THE
2 FOLLOWING SHALL APPLY:

3 (I) SUBJECT TO THE WISHES EXPRESSED BY THE
4 INDIVIDUAL UNDER SUBSECTION (C) (3), THE ORGAN PROCUREMENT
5 ORGANIZATION MAY CONDUCT A BLOOD OR TISSUE TEST OR
6 MINIMALLY INVASIVE EXAMINATION WHICH IS REASONABLY
7 NECESSARY TO EVALUATE THE MEDICAL SUITABILITY OF A PART
8 THAT IS OR MAY BE THE SUBJECT OF AN ANATOMICAL GIFT.
9 TESTING AND EXAMINATION UNDER THIS SUBPARAGRAPH SHALL
10 COMPLY WITH A DENIAL OR REFUSAL TO MAKE AN ANATOMICAL
11 GIFT OR ANY LIMITATION EXPRESSED BY THE INDIVIDUAL WITH
12 RESPECT TO THE PART OF THE BODY TO DONATE OR A LIMITATION
13 IN THE PROVISION OF A VENTILATOR OR OTHER LIFE-SUSTAINING
14 MEASURES, AS SPECIFIED IN SUBSECTION (C) (3) OR A
15 REVOCATION OR AMENDMENT TO AN ANATOMICAL GIFT AS
16 SPECIFIED IN A DOCUMENT IN SUBSECTION (C) (3) OR IN ANY
17 OTHER DOCUMENT OR IN ACCORDANCE WITH SECTION 8615. THE
18 RESULTS OF TESTS AND EXAMINATIONS UNDER THIS SUBPARAGRAPH
19 SHALL BE USED OR DISCLOSED ONLY:

20 (A) TO EVALUATE MEDICAL SUITABILITY FOR DONATION
21 AND TO FACILITATE THE DONATION PROCESS; AND

22 (B) AS REQUIRED OR PERMITTED BY LAW.

23 (II) SUBJECT TO THE WISHES EXPRESSED BY THE
24 INDIVIDUAL UNDER SUBSECTION (C) (3), THE HOSPITAL MAY NOT
25 WITHDRAW OR WITHHOLD ANY MEASURES WHICH ARE NECESSARY TO
26 MAINTAIN THE MEDICAL SUITABILITY OF THE PART UNTIL THE
27 ORGAN PROCUREMENT ORGANIZATION OR DESIGNATED REQUESTOR,
28 AS APPROPRIATE, HAS HAD THE OPPORTUNITY TO ADVISE THE
29 APPLICABLE PERSONS AS SET FORTH IN SECTION 8611 (B) OF THE
30 OPTION TO MAKE AN ANATOMICAL GIFT AND HAS RECEIVED OR

1 BEEN DENIED AUTHORIZATION TO PROCEED WITH RECOVERY OF THE
2 PART.

3 (E) TESTING AFTER DEATH.--SUBJECT TO THE INDIVIDUAL'S WISHES
4 UNDER SUBSECTION (C) (3), AFTER AN INDIVIDUAL'S DEATH, A PERSON
5 TO WHOM AN ANATOMICAL GIFT MAY PASS UNDER SECTION 8612 (RELATING
6 TO PERSONS WHO MAY BECOME DONEES; PURPOSES FOR WHICH ANATOMICAL
7 GIFTS MAY BE MADE) MAY CONDUCT A TEST OR EXAMINATION WHICH IS
8 REASONABLY NECESSARY TO EVALUATE THE MEDICAL SUITABILITY OF THE
9 BODY OR PART FOR ITS INTENDED PURPOSE.

10 (F) GUIDELINES.--

11 (1) THE DEPARTMENT OF HEALTH, IN CONSULTATION WITH ORGAN
12 PROCUREMENT ORGANIZATIONS, TISSUE PROCUREMENT PROVIDERS AND
13 THE HOSPITAL ASSOCIATION OF PENNSYLVANIA, DONOR RECIPIENTS
14 AND FAMILY APPOINTED PURSUANT TO SECTION 8622(C) (3) (RELATING
15 TO THE GOVERNOR ROBERT P. CASEY MEMORIAL ORGAN AND TISSUE
16 DONATION AWARENESS TRUST FUND) SHALL, WITHIN SIX MONTHS OF
17 THE EFFECTIVE DATE OF THIS [CHAPTER] SUBCHAPTER, DO ALL OF
18 THE FOLLOWING:

19 (I) ESTABLISH GUIDELINES REGARDING EFFICIENT
20 PROCEDURES FACILITATING THE DELIVERY OF ANATOMICAL GIFT
21 DONATIONS FROM RECEIVING HOSPITALS TO ORGAN PROCUREMENT
22 ORGANIZATIONS AND TISSUE PROVIDERS.

23 (II) DEVELOP GUIDELINES TO ASSIST HOSPITALS IN THE
24 SELECTION AND DESIGNATION OF TISSUE PROCUREMENT
25 PROVIDERS.

26 (2) EACH ORGAN PROCUREMENT ORGANIZATION AND EACH TISSUE
27 PROCUREMENT PROVIDER OPERATING WITHIN THIS COMMONWEALTH
28 SHALL, WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS
29 CHAPTER, FILE WITH THE DEPARTMENT OF HEALTH, FOR PUBLIC
30 REVIEW, ITS OPERATING PROTOCOLS.

1 (F.1) SCOPE.--THE DETERMINATION UNDER THIS SECTION MAY
2 INCLUDE COPYING OF RECORDS NECESSARY TO DETERMINE THE MEDICAL
3 SUITABILITY OF THE BODY OR PART. THIS SUBSECTION INCLUDES
4 MEDICAL, DENTAL AND OTHER HEALTH-RELATED RECORDS.

5 (F.2) RECIPIENTS.--

6 (1) SUBJECT TO THE PROVISIONS OF THIS SUBCHAPTER, THE
7 RIGHTS OF THE PERSON TO WHOM A PART PASSES UNDER SECTION 8612
8 SHALL BE SUPERIOR TO THE RIGHTS OF ALL OTHERS WITH RESPECT TO
9 THE PART. THE PERSON MAY ACCEPT OR REJECT AN ANATOMICAL GIFT
10 IN WHOLE OR IN PART.

11 (2) SUBJECT TO THE WISHES OF THE INDIVIDUAL UNDER
12 SUBSECTION (C) (3) AND THIS SUBCHAPTER, A PERSON THAT ACCEPTS
13 AN ANATOMICAL GIFT OF AN ENTIRE BODY MAY ALLOW EMBALMING,
14 BURIAL OR CREMATION AND THE USE OF REMAINS IN A FUNERAL
15 SERVICE. IF THE GIFT IS OF A PART, THE PERSON TO WHOM THE
16 PART PASSES UNDER SECTION 8612, UPON THE DEATH OF THE
17 INDIVIDUAL AND BEFORE EMBALMING, BURIAL OR CREMATION, SHALL
18 CAUSE THE PART TO BE REMOVED WITHOUT UNNECESSARY MUTILATION.

19 (F.3) PHYSICIANS.--

20 (1) NEITHER THE PHYSICIAN WHO ATTENDS THE INDIVIDUAL AT
21 DEATH NOR THE PHYSICIAN WHO DETERMINES THE TIME OF THE
22 INDIVIDUAL'S DEATH MAY PARTICIPATE IN THE PROCEDURES FOR
23 REMOVING OR TRANSPLANTING A PART FROM THE INDIVIDUAL.

24 (2) SUBJECT TO THE INDIVIDUAL'S WISHES UNDER SUBSECTION
25 (C) (3), AND SUBJECT TO PARAGRAPH (1), A PHYSICIAN OR
26 TECHNICIAN MAY REMOVE A DONATED PART FROM THE BODY OF AN
27 INDIVIDUAL THAT THE PHYSICIAN OR TECHNICIAN IS QUALIFIED TO
28 REMOVE.

29 (F.4) COORDINATION OF PROCUREMENT AND USE.--

30 (1) A HOSPITAL SHALL ENTER INTO AGREEMENTS OR

1 AFFILIATIONS WITH ORGAN PROCUREMENT ORGANIZATIONS FOR
2 COORDINATION OF PROCUREMENT AND USE OF ANATOMICAL GIFTS.

3 (2) THE ORGAN PROCUREMENT ORGANIZATION, HOSPITAL
4 PERSONNEL AND OTHER INDIVIDUALS INVOLVED IN THE ANATOMICAL
5 DONATION PROCESS SHALL LIMIT THE TESTING AND EXAMINATION OF
6 THE INDIVIDUAL UNDER THIS SECTION SO AS TO COMPLY WITH THE
7 WISHES OF THE INDIVIDUAL UNDER SUBSECTION (C) (3).

8 (G) DEATH RECORD REVIEW.--

9 (1) THE DEPARTMENT OF HEALTH SHALL MAKE ANNUAL DEATH
10 RECORD REVIEWS AT ACUTE CARE GENERAL HOSPITALS TO DETERMINE
11 THEIR COMPLIANCE WITH SUBSECTION [(D)] (A).

12 (2) TO CONDUCT A REVIEW OF AN ACUTE CARE GENERAL
13 HOSPITAL, THE FOLLOWING APPLY:

14 (I) THE [DEPARTMENT OF HEALTH] DEPARTMENT SHALL
15 SELECT TO CARRY OUT THE REVIEW THE COMMONWEALTH-LICENSED
16 ORGAN PROCUREMENT ORGANIZATION DESIGNATED BY THE [HEALTH
17 CARE FINANCING ADMINISTRATION] CENTERS FOR MEDICARE AND
18 MEDICAID SERVICES FOR THE REGION WITHIN WHICH THE ACUTE
19 CARE GENERAL HOSPITAL IS LOCATED. FOR AN ORGAN
20 PROCUREMENT ORGANIZATION TO BE SELECTED UNDER THIS
21 SUBPARAGRAPH, THE ORGANIZATION MUST NOT OPERATE NOR HAVE
22 AN OWNERSHIP INTEREST IN AN ENTITY WHICH PROVIDES ALL OF
23 THE FUNCTIONS OF A TISSUE PROCUREMENT PROVIDER.

24 (II) IF THERE IS NO VALID SELECTION UNDER
25 SUBPARAGRAPH (I) OR IF THE ORGANIZATION SELECTED UNDER
26 SUBPARAGRAPH (I) IS UNWILLING TO CARRY OUT THE REVIEW,
27 THE DEPARTMENT SHALL SELECT TO CARRY OUT THE REVIEW ANY
28 OTHER COMMONWEALTH-LICENSED ORGAN PROCUREMENT
29 ORGANIZATION. FOR AN ORGAN PROCUREMENT ORGANIZATION TO BE
30 SELECTED UNDER THIS SUBPARAGRAPH, THE ORGANIZATION MUST

1 NOT OPERATE NOR HAVE AN OWNERSHIP INTEREST IN AN ENTITY
2 WHICH PROVIDES ALL OF THE FUNCTIONS OF A TISSUE
3 PROCUREMENT PROVIDER.

4 (III) IF THERE IS NO VALID SELECTION UNDER
5 SUBPARAGRAPH (II) OR IF THE ORGANIZATION SELECTED UNDER
6 SUBPARAGRAPH (II) IS UNWILLING TO CARRY OUT THE REVIEW,
7 THE DEPARTMENT SHALL CARRY OUT THE REVIEW USING TRAINED
8 DEPARTMENT PERSONNEL.

9 (3) THERE SHALL BE NO COST ASSESSED AGAINST A HOSPITAL
10 FOR A REVIEW UNDER THIS SUBSECTION.

11 (4) IF THE DEPARTMENT FINDS, ON THE BASIS OF A REVIEW
12 UNDER THIS SUBSECTION, THAT A HOSPITAL IS NOT IN COMPLIANCE
13 WITH SUBSECTION [(D)] (A), THE DEPARTMENT MAY IMPOSE AN
14 ADMINISTRATIVE FINE OF UP TO \$500 FOR EACH INSTANCE OF
15 NONCOMPLIANCE. A FINE UNDER THIS PARAGRAPH IS SUBJECT TO 2
16 PA.C.S. CH. 5 SUBCH. A (RELATING TO PRACTICE AND PROCEDURE OF
17 COMMONWEALTH AGENCIES) AND CH. 7 SUBCH. A (RELATING TO
18 JUDICIAL REVIEW OF COMMONWEALTH AGENCY ACTION). FINES
19 COLLECTED UNDER THIS PARAGRAPH SHALL BE DEPOSITED INTO THE
20 FUND.

21 (5) AN ORGAN PROCUREMENT ORGANIZATION MAY, UPON REQUEST
22 AND PAYMENT OF ASSOCIATED FEES, OBTAIN CERTIFIED COPIES OF
23 DEATH RECORDS OF A DONOR FROM THE DIVISION OF VITAL RECORDS
24 OF THE DEPARTMENT.

25 (H) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
26 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
27 SUBSECTION:

28 "DESIGNATED REQUESTOR." A HOSPITAL EMPLOYEE COMPLETING A
29 COURSE OFFERED BY [AN] A DESIGNATED ORGAN PROCUREMENT
30 ORGANIZATION ON HOW TO APPROACH POTENTIAL DONOR FAMILIES AND

1 REQUEST ORGAN OR TISSUE DONATION.

2 "NONCOMPLIANCE." ANY FAILURE ON THE PART OF A HOSPITAL TO
3 CONTACT AN ORGAN PROCUREMENT ORGANIZATION AS REQUIRED UNDER
4 SUBSECTION [(D)] (A).

5 § 8619. USE OF DRIVER'S LICENSE OR IDENTIFICATION CARD TO
6 INDICATE ORGAN OR TISSUE DONATION.

7 (A) GENERAL RULE.--THE DEPARTMENT OF TRANSPORTATION SHALL
8 REDESIGN THE DRIVER'S LICENSE AND IDENTIFICATION CARD
9 APPLICATION SYSTEM TO PROCESS REQUESTS FOR INFORMATION REGARDING
10 CONSENT OF THE INDIVIDUAL TO ORGAN OR TISSUE DONATION. THE
11 FOLLOWING QUESTION SHALL BE ASKED ON BOTH THE APPLICATION FOR A
12 DRIVER'S LICENSE OR IDENTIFICATION CARD AND ON THE ORGAN DONOR
13 DESIGNATION AT A PHOTO CENTER:

14 PENNSYLVANIA STRONGLY SUPPORTS ORGAN AND TISSUE DONATION
15 BECAUSE OF ITS LIFE-SAVING AND LIFE-ENHANCING
16 OPPORTUNITIES.

17 DO YOU WISH TO HAVE THE ORGAN DONOR DESIGNATION PRINTED
18 ON YOUR DRIVER'S LICENSE?

19 ONLY AN AFFIRMATIVE RESPONSE OF AN INDIVIDUAL SHALL BE NOTED ON
20 THE FRONT OF THE DRIVER'S LICENSE OR IDENTIFICATION CARD AND
21 SHALL CLEARLY INDICATE THE INDIVIDUAL'S INTENT TO DONATE HIS
22 ORGANS OR TISSUE. [A NOTATION ON AN INDIVIDUAL'S DRIVER'S
23 LICENSE OR IDENTIFICATION CARD THAT HE INTENDS TO DONATE HIS
24 ORGANS OR TISSUE IS DEEMED SUFFICIENT TO SATISFY ALL
25 REQUIREMENTS FOR CONSENT TO ORGAN OR TISSUE DONATION.] NOTHING
26 IN THIS SECTION SHALL BE CONSTRUED TO AUTHORIZE A DONATION OF A
27 HAND, FACIAL TISSUE, LIMB OR OTHER VASCULARIZED COMPOSITE
28 ALLOGRAFT. THE DEPARTMENT OF TRANSPORTATION SHALL RECORD AND
29 STORE ALL DONOR DESIGNATIONS IN THE DONATE LIFE PA REGISTRY.
30 SUBJECT TO AN INDIVIDUAL'S WISHES AS EXPRESSED IN A DOCUMENT

1 LISTED UNDER SECTIONS 8613(E) (2) (RELATING TO MANNER OF
2 EXECUTING ANATOMICAL GIFTS) AND TO THE INDIVIDUAL'S WISHES UNDER
3 SECTION 8617(C) (3) (RELATING TO REQUESTS FOR ANATOMICAL GIFTS),
4 THE RECORDED AND STORED DESIGNATION IS SUFFICIENT TO SATISFY ALL
5 REQUIREMENTS FOR CONSENT TO ORGAN AND TISSUE DONATION. THE
6 RECORDED AND STORED DESIGNATION IS NOT A PUBLIC RECORD SUBJECT
7 TO DISCLOSURE AS DEFINED IN SECTION 102 OF THE ACT OF FEBRUARY
8 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

9 (A.1) INFORMATIONAL PAMPHLET.--THE FOLLOWING APPLY:

10 (1) WITHIN 180 DAYS OF THE EFFECTIVE DATE OF THIS
11 SUBSECTION, THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE AN
12 INFORMATIONAL PAMPHLET ABOUT ORGAN DONATION, TISSUE DONATION
13 AND DONATION OF VASCULARIZED COMPOSITE ALLOGRAFTS TO EACH
14 APPLICANT FOR:

15 (I) AN ORIGINAL OR A RENEWAL DRIVER'S LICENSE OR
16 IDENTIFICATION CARD;

17 (II) A LEARNER'S PERMIT; AND

18 (III) AN ORIGINAL OR RENEWAL VEHICLE REGISTRATION.

19 (2) THE INFORMATIONAL PAMPHLET SHALL EXPLAIN IN ENGLISH
20 AND IN SPANISH:

21 (I) THAT UNDER PENNSYLVANIA LAW, DONATION OF ORGANS,
22 TISSUES AND VASCULARIZED COMPOSITE ALLOGRAFTS IS A
23 VOLUNTARY ACT;

24 (II) THE DIFFERENCE BETWEEN ORGANS, TISSUES AND
25 VASCULARIZED COMPOSITE ALLOGRAFTS;

26 (III) THAT UNDER PENNSYLVANIA LAW, EXPLICIT AND
27 SPECIFIC CONSENT IS NEEDED TO DONATE A VASCULARIZED
28 COMPOSITE ALLOGRAFT;

29 (IV) THAT UNDER PENNSYLVANIA LAW, THE REQUEST FOR A
30 VASCULARIZED COMPOSITE ALLOGRAFT MUST BE MADE SEPARATELY

1 FROM A REQUEST FOR ORGANS AND TISSUES;

2 (V) THAT THE ORGAN DONOR DESIGNATION ON THE DRIVER'S
3 LICENSE AUTHORIZES THE INDIVIDUAL TO DONATE ORGANS AND
4 TISSUE AND DOES NOT AUTHORIZE THE INDIVIDUAL TO DONATE A
5 VASCULARIZED COMPOSITE ALLOGRAFT;

6 (VI) THAT MORE INFORMATION ABOUT ORGAN DONATION,
7 TISSUE DONATION AND DONATION OF VASCULARIZED COMPOSITE
8 ALLOGRAFTS, INCLUDING INFORMATION ABOUT THE PROCEDURE FOR
9 RECOVERING ORGANS AND OTHER PARTS OF THE BODY AND
10 INFORMATION ABOUT BEING DECLARED DEAD THROUGH BRAIN DEATH
11 AND DEAD BY LACK OF CARDIAC FUNCTION, CAN BE FOUND ON THE
12 DEPARTMENT OF TRANSPORTATION'S PUBLICLY ACCESSIBLE
13 INTERNET WEBSITE; AND

14 (VII) THAT, BEFORE DECIDING WHETHER TO HAVE AN ORGAN
15 DONOR DESIGNATION PLACED ON THE DRIVER'S LICENSE, THE
16 INDIVIDUAL MAY CONSULT WITH THE INDIVIDUAL'S PHYSICIAN,
17 ATTORNEY OR CLERGY.

18 (3) THE GOVERNOR ROBERT P. CASEY MEMORIAL ORGAN AND
19 TISSUE DONATION AWARENESS TRUST FUND SHALL REIMBURSE THE
20 DEPARTMENT OF TRANSPORTATION FOR THE COSTS INCURRED IN THE
21 DEVELOPMENT AND IMPLEMENTATION OF THE INFORMATIONAL PAMPHLET
22 PROGRAM.

23 (B) ELECTRONIC ACCESS.--THE ORGAN PROCUREMENT ORGANIZATIONS
24 DESIGNATED BY THE FEDERAL GOVERNMENT IN THE COMMONWEALTH OF
25 PENNSYLVANIA AS PART OF THE NATIONWIDE ORGAN PROCUREMENT NETWORK
26 [MAY] SHALL BE GIVEN 24-HOUR-A-DAY ELECTRONIC ACCESS TO
27 INFORMATION NECESSARY TO CONFIRM AN INDIVIDUAL'S ORGAN DONOR
28 STATUS THROUGH THE DEPARTMENT OF TRANSPORTATION'S DRIVER
29 LICENSING DATABASE. NECESSARY INFORMATION SHALL INCLUDE THE
30 INDIVIDUAL'S NAME, ADDRESS, DATE OF BIRTH, DRIVER'S LICENSE

1 NUMBER AND ORGAN DONOR STATUS. NOTWITHSTANDING 75 PA.C.S. § 6114
2 (RELATING TO LIMITATION ON SALE, PUBLICATION AND DISCLOSURE OF
3 RECORDS), THE DEPARTMENT OF TRANSPORTATION IS AUTHORIZED TO
4 PROVIDE THE ORGAN PROCUREMENT ORGANIZATIONS, AFTER A WRITTEN
5 AGREEMENT BETWEEN THE DEPARTMENT OF TRANSPORTATION AND THE ORGAN
6 PROCUREMENT ORGANIZATIONS IS FIRST OBTAINED, WITH THE FOREGOING
7 INFORMATION. THE ORGAN PROCUREMENT ORGANIZATION SHALL NOT USE
8 SUCH INFORMATION FOR ANY PURPOSE OTHER THAN TO CONFIRM AN
9 INDIVIDUAL'S ORGAN DONOR STATUS AT OR NEAR OR AFTER AN
10 INDIVIDUAL'S DEATH. THE ORGAN PROCUREMENT ORGANIZATIONS SHALL
11 NOT BE ASSESSED THE FEE FOR SUCH INFORMATION PRESCRIBED BY 75
12 PA.C.S. § 1955(A) (RELATING TO INFORMATION CONCERNING DRIVERS
13 AND VEHICLES).

14 § 8621. THE GOVERNOR ROBERT P. CASEY MEMORIAL ORGAN AND TISSUE
15 DONATION AWARENESS TRUST FUND CONTRIBUTIONS.

16 (A) DRIVER'S LICENSE.--

17 (1) BEGINNING AS SOON AS PRACTICABLE, BUT NO LATER THAN
18 [JANUARY 1, 1995] 10 MONTHS AFTER THE EFFECTIVE DATE OF THIS
19 PARAGRAPH, THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE AN
20 APPLICANT FOR AN ORIGINAL OR RENEWAL DRIVER'S LICENSE OR
21 IDENTIFICATION CARD THE OPPORTUNITY TO MAKE A CONTRIBUTION OF
22 \$1 TO THE FUND. THE CONTRIBUTION SHALL BE ADDED TO THE
23 REGULAR FEE FOR AN ORIGINAL OR RENEWAL DRIVER'S LICENSE OR
24 IDENTIFICATION CARD. ONE CONTRIBUTION MAY BE MADE FOR EACH
25 ISSUANCE OR RENEWAL OF A LICENSE OR IDENTIFICATION CARD.
26 CONTRIBUTIONS SHALL BE USED EXCLUSIVELY FOR THE PURPOSES SET
27 OUT IN SECTION 8622 (RELATING TO THE GOVERNOR ROBERT P. CASEY
28 MEMORIAL ORGAN AND TISSUE DONATION AWARENESS TRUST FUND).

29 (2) THE DEPARTMENT OF TRANSPORTATION SHALL MONTHLY
30 DETERMINE THE TOTAL AMOUNT DESIGNATED UNDER THIS SECTION AND

1 SHALL REPORT THAT AMOUNT TO THE STATE TREASURER, WHO SHALL
2 TRANSFER THAT AMOUNT TO THE GOVERNOR ROBERT P. CASEY MEMORIAL
3 ORGAN AND TISSUE DONATION AWARENESS TRUST FUND.

4 (3) THE GOVERNOR ROBERT P. CASEY MEMORIAL ORGAN AND
5 TISSUE DONATION AWARENESS TRUST FUND SHALL REIMBURSE THE
6 DEPARTMENT OF TRANSPORTATION FOR THE COSTS INCURRED IN THE
7 INITIAL DEVELOPMENT AND IMPLEMENTATION OF THE CONTRIBUTION
8 PROGRAM, AS WELL AS ANY ADDITIONAL COSTS THAT MAY ARISE FROM
9 CHANGES THAT ARE AGREED TO BY BOTH THE DEPARTMENT OF
10 TRANSPORTATION AND THE ADVISORY COMMITTEE.

11 (B) VEHICLE REGISTRATION.--[THE]

12 (1) BEGINNING AS SOON AS PRACTICABLE, BUT NO LATER THAN
13 10 MONTHS AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH, THE
14 DEPARTMENT OF TRANSPORTATION SHALL PROVIDE AN APPLICANT FOR A
15 RENEWAL VEHICLE REGISTRATION THE OPPORTUNITY TO MAKE A
16 CONTRIBUTION OF \$1 TO THE GOVERNOR ROBERT P. CASEY MEMORIAL
17 ORGAN AND TISSUE DONATION AWARENESS TRUST FUND. THE
18 CONTRIBUTION SHALL BE ADDED TO THE REGULAR FEE FOR A RENEWAL
19 OF A VEHICLE REGISTRATION. ONE CONTRIBUTION MAY BE MADE FOR
20 EACH RENEWAL VEHICLE REGISTRATION. CONTRIBUTIONS SHALL BE
21 USED EXCLUSIVELY FOR THE PURPOSES DESCRIBED IN SECTION 8622.

22 (2) THE DEPARTMENT OF TRANSPORTATION SHALL MONTHLY
23 DETERMINE THE TOTAL AMOUNT DESIGNATED UNDER THIS SECTION AND
24 SHALL REPORT THAT AMOUNT TO THE STATE TREASURER, WHO SHALL
25 TRANSFER THAT AMOUNT TO THE GOVERNOR ROBERT P. CASEY MEMORIAL
26 ORGAN AND TISSUE DONATION AWARENESS TRUST FUND.

27 (3) THE GOVERNOR ROBERT P. CASEY MEMORIAL ORGAN AND
28 TISSUE DONATION AWARENESS TRUST FUND SHALL REIMBURSE THE
29 [DEPARTMENT FOR THE INITIAL COSTS INCURRED IN THE DEVELOPMENT
30 AND IMPLEMENTATION OF THE CONTRIBUTION PROGRAM UNDER THIS

1 SUBSECTION.] DEPARTMENT OF TRANSPORTATION FOR THE COSTS
2 INCURRED IN THE INITIAL DEVELOPMENT AND IMPLEMENTATION OF THE
3 CONTRIBUTION PROGRAM, AS WELL AS ANY ADDITIONAL COSTS THAT
4 MAY ARISE FROM CHANGES THAT ARE AGREED TO BY BOTH THE
5 DEPARTMENT OF TRANSPORTATION AND THE ADVISORY COMMITTEE.

6 (4) THE GENERAL FUND SHALL REIMBURSE THE DEPARTMENT OF
7 TRANSPORTATION FOR THE ACTUAL ANNUAL OPERATING COSTS OF THE
8 PROGRAM FOR VEHICLE REGISTRATIONS AS DESCRIBED IN THIS
9 SUBSECTION [SUBJECT TO THE FOLLOWING LIMITS: FOR THE FIRST
10 FISCAL YEAR DURING WHICH THIS SUBSECTION IS EFFECTIVE, THE
11 GENERAL FUND SHALL REIMBURSE THE DEPARTMENT OF TRANSPORTATION
12 FOR THE ACTUAL OPERATING COSTS OF THE PROGRAM IN THIS
13 SUBSECTION UP TO A MAXIMUM OF \$100,000. FOR EACH FISCAL YEAR
14 THEREAFTER, THE GENERAL FUND SHALL REIMBURSE THE DEPARTMENT
15 OF TRANSPORTATION FOR THE ACTUAL OPERATING COSTS OF THE
16 PROGRAM IN THIS SUBSECTION IN AN AMOUNT NOT TO EXCEED THE
17 PRIOR YEAR'S ACTUAL OPERATING COSTS ON A FULL FISCAL YEAR
18 BASIS PLUS 3%. THE AMOUNTS APPROVED BY THE GOVERNOR AS
19 NECESSARY ARE HEREBY APPROPRIATED FROM THE GENERAL FUND FOR
20 THIS PURPOSE].

21 (C) INTERNET WEBSITE.--THE FOLLOWING SHALL BECOME EFFECTIVE
22 WITHIN 365 DAYS OF THE EFFECTIVE DATE OF THIS SUBSECTION:

23 (1) THE DEPARTMENT OF TRANSPORTATION'S PUBLICLY
24 ACCESSIBLE INTERNET WEBSITE SHALL PROVIDE HYPERLINKS THROUGH
25 WHICH PERSONS MAY ELECTRONICALLY MAKE VOLUNTARY CONTRIBUTIONS
26 OF AT LEAST \$1 TO THE FUND. AT A MINIMUM, THE HYPERLINKS
27 SHALL BE PROVIDED IN ACCORDANCE WITH SUBSECTIONS (A) (1) AND
28 (B) (1).

29 (2) THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE
30 DETAILED INFORMATION ON THE DEPARTMENT OF TRANSPORTATION'S

1 PUBLICLY ACCESSIBLE INTERNET WEBSITE, WRITTEN IN NONLEGAL
2 TERMS, IN BOTH ENGLISH AND SPANISH, ABOUT ANATOMICAL
3 DONATION, ORGAN DONATION AND VASCULARIZED COMPOSITE
4 ALLOGRAFTS. THE WEBSITE SHALL INCLUDE THE FOLLOWING:

5 (I) THE LAWS OF THIS COMMONWEALTH, INCLUDING A
6 STATEMENT THAT DONATING A PART OF THE BODY IS VOLUNTARY.

7 (II) THE RISKS AND BENEFITS OF ORGAN DONATION,
8 TISSUE DONATION AND DONATION OF EYES.

9 (III) THE RISKS AND BENEFITS OF DONATING A HAND,
10 FACIAL TISSUE OR LIMB OR OTHER VASCULARIZED COMPOSITE
11 ALLOGRAFTS. THE INFORMATION ABOUT RISKS AND BENEFITS
12 SHALL INCLUDE INFORMATION THAT THE APPEARANCE OF THE
13 DONOR WILL BE SIGNIFICANTLY ALTERED AFTER RECOVERY AND
14 THAT THE SURGICAL RECOVERY TEAM MAY PERFORM
15 RECONSTRUCTIVE SURGERY TO PREPARE FOR BURIAL. IN
16 ADDITION, THE INFORMATION SHALL INCLUDE A STATEMENT THAT
17 A VASCULARIZED COMPOSITE ALLOGRAFT MAY IMPACT BURIAL
18 ARRANGEMENTS AND THAT AN OPEN CASKET MAY NOT BE POSSIBLE.
19 THE INFORMATION SHALL ALSO INCLUDE AND CLEARLY EXPLAIN:

20 (A) THE DIFFERENCE BETWEEN HAND, FACIAL TISSUE
21 AND LIMB DONATION AND ORGAN DONATION.

22 (B) THE PROCEDURE FOR RECOVERY OF A HAND, FACIAL
23 TISSUE OR LIMB OR OTHER VASCULARIZED COMPOSITE
24 ALLOGRAFT.

25 (C) THAT PENNSYLVANIA LAW REQUIRES EXPLICIT AND
26 SPECIFIC AND SEPARATE CONSENT TO DONATE HANDS, FACIAL
27 TISSUE OR LIMBS OR OTHER VASCULARIZED COMPOSITE
28 ALLOGRAFTS FROM THE DONOR AND, WHEN APPLICABLE, THE
29 DONOR'S FAMILY.

30 (D) THE PROCEDURE NEEDED TO OBTAIN CONSENT FROM

1 FAMILY MEMBERS FOR A DONATION OF ORGANS, TISSUES AND
2 EYES AND THE PROCEDURE NEEDED TO OBTAIN CONSENT FROM
3 FAMILIES FOR HANDS, FACIAL TISSUE, LIMBS OR OTHER
4 VASCULARIZED COMPOSITE ALLOGRAFTS.

5 (E) THAT DONATION OF HANDS, FACIAL TISSUE OR
6 LIMBS OR OTHER VASCULARIZED COMPOSITE ALLOGRAFTS IS
7 VOLUNTARY.

8 (F) THAT DOCUMENTS SUCH AS LIVING WILLS, ADVANCE
9 HEALTH CARE DIRECTIVES, HEALTH CARE POWERS OF
10 ATTORNEY AND POWERS OF ATTORNEY MAY BE USED TO PERMIT
11 OR DENY MAKING A DONATION OF HANDS, FACIAL TISSUE OR
12 LIMBS OR OTHER VASCULARIZED COMPOSITE ALLOGRAFTS,
13 DEPENDING UPON THE INDIVIDUAL'S WISHES.

14 (G) THE PROCEDURE USED BY HOSPITALS AND ORGAN
15 PROCUREMENT ORGANIZATIONS TO EFFECTUATE A DONATION OF
16 HANDS, FACIAL TISSUE OR LIMBS OR OTHER VASCULARIZED
17 COMPOSITE ALLOGRAFTS.

18 (H) THAT IF THE INDIVIDUAL INTENDS TO WITHHOLD
19 OR WITHDRAW LIFE-SUSTAINING MEASURES THROUGH AN
20 ADVANCE HEALTH CARE DIRECTIVE, LIVING WILL, HEALTH
21 CARE POWER OF ATTORNEY, POWER OF ATTORNEY OR OTHER
22 DOCUMENT, THAT THE CHOICES OF THE INDIVIDUAL FOR END-
23 OF-LIFE CARE MAY BE INCOMPATIBLE WITH DONATION OF
24 WHAT WE TRADITIONALLY THINK OF AS ORGANS (HEART,
25 LUNG, LIVER, KIDNEY) AND HANDS, FACIAL TISSUE OR
26 LIMBS OR OTHER VASCULARIZED COMPOSITE ALLOGRAFTS.

27 (I) THAT THE INDIVIDUAL MAY WISH TO CONSULT WITH
28 A PHYSICIAN, ATTORNEY OR CLERGY BEFORE MAKING THE
29 DECISION TO MAKE A DONATION OF WHAT WE TRADITIONALLY
30 THINK OF AS ORGANS (HEART, LUNG, LIVER, KIDNEY) OR A

1 DONATION OF HANDS, FACIAL TISSUE OR LIMBS OR OTHER
2 VASCULARIZED COMPOSITE ALLOGRAFTS.

3 (IV) THE LAWS OF THIS COMMONWEALTH REGARDING LIVING
4 WILLS, HEALTH CARE POWERS OF ATTORNEY, ADVANCE HEALTH
5 CARE DIRECTIVES, DO-NOT-RESUSCITATE ORDERS AND OTHER
6 DOCUMENTS WHICH CAN BE USED TO PROVIDE, LIMIT OR DENY
7 MAKING OR REVOKING AN ANATOMICAL DONATION OR A DONATION
8 OF HANDS, FACIAL TISSUE OR LIMBS OR OTHER VASCULARIZED
9 COMPOSITE ALLOGRAFTS.

10 (V) A DESCRIPTION REGARDING:

11 (A) THE PROCEDURE USED BY HOSPITALS AND ORGAN
12 PROCUREMENT ORGANIZATIONS TO ASK FAMILY MEMBERS IF
13 THE INDIVIDUAL WILL MAKE AN ANATOMICAL DONATION;

14 (B) IF THE INDIVIDUAL MAY BE OR IS AN ORGAN,
15 TISSUE OR EYE DONOR, THE TYPES OF TESTS THAT WILL BE
16 PERFORMED ON THE INDIVIDUAL BY A HOSPITAL, ORGAN
17 PROCUREMENT ORGANIZATION, TISSUE PROCUREMENT
18 ORGANIZATION, EYE BANK OR TISSUE BANK AND THE
19 PROCEDURE USED TO RECOVER ORGANS, TISSUES AND EYES,
20 INCLUDING ANY DIFFERENCES IN THE PROCEDURE USED TO
21 RECOVER ORGANS; AND

22 (C) BRAIN DEATH AND CARDIAC DEATH.

23 (3) THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE THE
24 MATERIAL LISTED IN PARAGRAPH (2) IN WRITTEN FORM, IN ENGLISH
25 AND IN SPANISH, AT ALL DRIVER'S LICENSE CENTERS ACROSS THIS
26 COMMONWEALTH. ADDITIONALLY, THE DEPARTMENT OF TRANSPORTATION
27 SHALL PROVIDE SUCH MATERIALS UPON REQUEST, INCLUDING THE
28 REQUEST OF ANOTHER AGENCY OF THE COMMONWEALTH.

29 (4) THE DEPARTMENT OF HEALTH SHALL PROVIDE CONSPICUOUS
30 NOTICE ON THE DEPARTMENT OF HEALTH'S PUBLICLY ACCESSIBLE

1 INTERNET WEBSITE THAT DETAILED INFORMATION ABOUT ANATOMICAL
2 DONATION AND DONATION OF A HAND, FACIAL TISSUE, LIMB OR OTHER
3 VASCULARIZED COMPOSITE ALLOGRAFT MAY BE FOUND ON THE
4 DEPARTMENT OF TRANSPORTATION'S PUBLICLY ACCESSIBLE INTERNET
5 WEBSITE. THE DEPARTMENT OF HEALTH SHALL ALSO PROVIDE A
6 CONSPICUOUS HYPERLINK TO THE INFORMATION SET FORTH IN
7 SUBSECTION (C) (2).

8 § 8622. THE GOVERNOR ROBERT P. CASEY MEMORIAL ORGAN AND TISSUE
9 DONATION AWARENESS TRUST FUND.

10 (A) ESTABLISHMENT.--ALL CONTRIBUTIONS RECEIVED BY THE
11 DEPARTMENT OF TRANSPORTATION UNDER SECTION 8621 (RELATING TO THE
12 GOVERNOR ROBERT P. CASEY MEMORIAL ORGAN AND TISSUE DONATION
13 AWARENESS TRUST FUND CONTRIBUTIONS) [AND THE DEPARTMENT OF
14 REVENUE UNDER SECTION 8618 (RELATING TO VOLUNTARY CONTRIBUTION
15 SYSTEM)] AND THE DEPARTMENT OF HEALTH UNDER SECTION 8617
16 (RELATING TO REQUESTS FOR ANATOMICAL GIFTS) SHALL BE DEPOSITED
17 INTO A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE
18 GOVERNOR ROBERT P. CASEY MEMORIAL ORGAN AND TISSUE DONATION
19 AWARENESS TRUST FUND, WHICH IS HEREBY ESTABLISHED.

20 (B) APPROPRIATION.--ALL MONEYS DEPOSITED IN THE FUND AND
21 INTEREST WHICH ACCRUES FROM THOSE FUNDS ARE APPROPRIATED ON A
22 CONTINUING BASIS SUBJECT TO THE APPROVAL OF THE GOVERNOR TO
23 COMPENSATE THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF
24 HEALTH AND THE DEPARTMENT OF REVENUE FOR ACTUAL COSTS RELATED TO
25 IMPLEMENTATION OF THIS CHAPTER, INCLUDING ALL COSTS OF THE
26 [ORGAN DONATION ADVISORY COMMITTEE] ADVISORY COMMITTEE CREATED
27 IN SUBSECTION [(C)] (C.1). ANY REMAINING FUNDS ARE APPROPRIATED
28 SUBJECT TO THE APPROVAL OF THE GOVERNOR FOR THE FOLLOWING
29 PURPOSES:

30 (1) [10%] TEN PERCENT OF THE TOTAL FUND MAY BE EXPENDED

1 ANNUALLY BY THE DEPARTMENT OF HEALTH FOR REASONABLE HOSPITAL
2 AND OTHER MEDICAL EXPENSES, FUNERAL EXPENSES AND INCIDENTAL
3 EXPENSES INCURRED BY THE DONOR OR DONOR'S FAMILY IN
4 CONNECTION WITH MAKING [A VITAL ORGAN DONATION] AN ORGAN OR
5 TISSUE DONATION, ALONG WITH PROGRAMMING, TO PROVIDE SUPPORT
6 SERVICES TO ORGAN DONORS AND TISSUE DONORS AND THEIR
7 FAMILIES, SUCH AS BEREAVEMENT COUNSELING SERVICES. SUCH
8 EXPENDITURES SHALL NOT EXCEED \$3,000 PER DONOR AND SHALL ONLY
9 BE MADE DIRECTLY TO THE FUNERAL HOME, HOSPITAL OR OTHER
10 SERVICE PROVIDER RELATED TO THE DONATION. NO PART OF THE FUND
11 SHALL BE TRANSFERRED DIRECTLY TO THE DONOR'S FAMILY, NEXT OF
12 KIN OR ESTATE. THE ADVISORY COMMITTEE SHALL DEVELOP
13 PROCEDURES, INCLUDING THE DEVELOPMENT OF A PILOT PROGRAM,
14 NECESSARY FOR EFFECTUATING THE PURPOSES OF THIS PARAGRAPH.

15 (2) [50%] FIFTY PERCENT MAY BE EXPENDED FOR GRANTS TO
16 CERTIFIED ORGAN PROCUREMENT ORGANIZATIONS FOR THE DEVELOPMENT
17 AND IMPLEMENTATION OF ORGAN DONATION AWARENESS PROGRAMS IN
18 THIS COMMONWEALTH. THE DEPARTMENT OF HEALTH SHALL DEVELOP AND
19 ADMINISTER THIS GRANT PROGRAM, WHICH IS HEREBY ESTABLISHED.

20 (3) [15%] FIFTEEN PERCENT MAY BE EXPENDED BY THE
21 DEPARTMENT OF HEALTH, IN COOPERATION WITH CERTIFIED ORGAN
22 PROCUREMENT ORGANIZATIONS, FOR THE [PROJECT-MAKE-A-CHOICE]
23 PROJECT MAKE-A-CHOICE PROGRAM, WHICH SHALL INCLUDE
24 INFORMATION PAMPHLETS DESIGNED BY THE DEPARTMENT OF HEALTH
25 RELATING TO ORGAN DONOR AWARENESS AND THE LAWS REGARDING
26 ORGAN DONATION, PUBLIC INFORMATION AND PUBLIC EDUCATION ABOUT
27 CONTRIBUTING TO THE FUND WHEN OBTAINING OR RENEWING A
28 DRIVER'S LICENSE AND WHEN COMPLETING A STATE INDIVIDUAL
29 INCOME TAX RETURN FORM. PROJECT MAKE-A-CHOICE SHALL ALSO
30 PROVIDE THE INTERNET WEBSITE ADDRESS AND A HYPERLINK FOR THE

1 DEPARTMENT OF TRANSPORTATION'S INTERNET WEBSITE UNDER SECTION
2 8621(C) (2), AND A STATEMENT THAT DETAILED INFORMATION ABOUT
3 ANATOMICAL DONATION AND DONATION OF A HAND, FACIAL TISSUE,
4 LIMB OR OTHER VASCULARIZED COMPOSITE ALLOGRAFT, CAN BE FOUND
5 ON THE DEPARTMENT OF TRANSPORTATION'S PUBLICLY ACCESSIBLE
6 INTERNET WEBSITE. THE DEPARTMENT OF HEALTH SHALL ALSO DESIGN
7 INFORMATION PAMPHLETS ABOUT DONATION OF HANDS, FACIAL TISSUE
8 AND LIMBS AND OTHER VASCULARIZED COMPOSITE ALLOGRAFTS.
9 PROJECT MAKE-A-CHOICE SHALL ALSO PROVIDE INFORMATION ABOUT
10 DONATION OF HANDS, FACIAL TISSUE OR LIMBS OR OTHER
11 VASCULARIZED COMPOSITE ALLOGRAFTS, WHICH SHALL INCLUDE THE
12 TOPICS SET FORTH IN SECTION 8621(C) (2).

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.1) ADVISORY COMMITTEE.--

21 (1) THE ORGAN AND TISSUE DONATION ADVISORY COMMITTEE IS
22 ESTABLISHED. EACH MEMBER SHALL BE APPOINTED BY THE GOVERNOR.
23 MEMBERSHIP SHALL BE AS FOLLOWS:

24 (I) THE SECRETARY OF EDUCATION OR A DESIGNEE.

25 (II) THE SECRETARY OF HEALTH OR A DESIGNEE.

26 (III) THE SECRETARY OF TRANSPORTATION OR A DESIGNEE.

27 (IV) THE SECRETARY OF THE COMMONWEALTH OR A
28 DESIGNEE.

29 (V) ONE REPRESENTATIVE FROM EACH DESIGNATED ORGAN
30 PROCUREMENT ORGANIZATION.

1 (VI) TWO REPRESENTATIVES OF TISSUE PROCUREMENT
2 PROVIDERS.

3 (VII) SIX MEMBERS REPRESENTATIVE OF:

4 (A) ORGAN, TISSUE AND EYE RECIPIENTS;

5 (B) FAMILIES OF RECIPIENTS;

6 (C) DONORS; AND

7 (D) FAMILIES OF DONORS.

8 (VIII) TWO REPRESENTATIVES OF ACUTE CARE HOSPITALS
9 WHICH ARE:

10 (A) LICENSED IN THIS COMMONWEALTH; AND

11 (B) MEMBERS OF THE STATEWIDE ASSOCIATION
12 REPRESENTING THE INTERESTS OF HOSPITALS THROUGHOUT
13 THIS COMMONWEALTH.

14 (IX) ONE REPRESENTATIVE OF EYE BANKS.

15 (X) ONE REPRESENTATIVE OF COMMUNITY HEALTH
16 ORGANIZATIONS.

17 (XI) ONE ELECTED COUNTY CORONER OF THIS
18 COMMONWEALTH.

19 (2) A MEMBER UNDER PARAGRAPH (1) (I), (II), (III) AND
20 (IV) SHALL SERVE EX OFFICIO.

21 (3) FOR A MEMBER UNDER PARAGRAPH (1) (V), (VI), (VII),
22 (VIII), (IX), (X) AND (XI), THE FOLLOWING APPLY:

23 (I) MEMBERS SHALL BE APPOINTED IN A MANNER WHICH
24 REFLECTS GEOGRAPHIC DIVERSITY. INPUT ON THE SELECTION OF
25 THE REPRESENTATIVES UNDER PARAGRAPH (1) (VIII) SHALL BE
26 SOUGHT FROM THE STATEWIDE ASSOCIATION REFERRED TO IN
27 PARAGRAPH (1) (VIII) (B).

28 (II) THE MEMBERS SHALL SERVE FIVE-YEAR TERMS.

29 (III) THE GOVERNOR MAY REAPPOINT AN ADVISORY
30 COMMITTEE MEMBER FOR SUCCESSIVE TERMS.

1 (IV) A MEMBER SHALL REMAIN IN OFFICE UNTIL A
2 SUCCESSOR IS APPOINTED AND QUALIFIED.

3 (V) IF A VACANCY OCCURS PRIOR TO COMPLETION OF A
4 TERM, THE GOVERNOR SHALL APPOINT A MEMBER TO FILL THE
5 UNEXPIRED TERM IN THE SAME MANNER AS THE VACATING MEMBER
6 WAS APPOINTED.

7 (4) THE ADVISORY COMMITTEE SHALL MEET AT LEAST
8 BIANNUALLY TO DO ALL OF THE FOLLOWING:

9 (I) REVIEW PROGRESS IN THE AREA OF ORGAN AND TISSUE
10 DONATION IN THIS COMMONWEALTH.

11 (II) RECOMMEND EDUCATION AND AWARENESS TRAINING
12 PROGRAMS.

13 (III) RECOMMEND PRIORITIES IN EXPENDITURES FROM THE
14 FUND.

15 (IV) ADVISE THE SECRETARY OF HEALTH ON MATTERS
16 RELATING TO ADMINISTRATION OF THE FUND.

17 (V) RECOMMEND LEGISLATION AS NECESSARY TO FULFILL
18 THE PURPOSES OF THIS SUBCHAPTER.

19 (5) THE ADVISORY COMMITTEE SHALL SUBMIT A REPORT
20 CONCERNING THE ADVISORY COMMITTEE'S ACTIVITIES AND PROGRESS
21 TO THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE
22 HOUSE OF REPRESENTATIVES BY OCTOBER 31 OF EACH EVEN-NUMBERED
23 YEAR. A FINAL WRITTEN REPORT UNDER THIS SECTION SHALL BE
24 ADOPTED AT A PUBLIC MEETING. THE REPORT SHALL BE A PUBLIC
25 RECORD UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3),
26 KNOWN AS THE RIGHT-TO-KNOW LAW.

27 (6) THE DEPARTMENT OF HEALTH SHALL REIMBURSE MEMBERS OF
28 THE ADVISORY COMMITTEE ONLY FOR NECESSARY AND REASONABLE
29 TRAVEL AND OTHER EXPENSES INCURRED IN THE PERFORMANCE OF THE
30 ADVISORY COMMITTEE MEMBERS' DUTIES UNDER THIS SUBSECTION.

1 (D) REPORTS.--THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF
2 TRANSPORTATION AND THE DEPARTMENT OF EDUCATION SHALL SUBMIT AN
3 ANNUAL REPORT TO THE GENERAL ASSEMBLY ON EXPENDITURES OF FUND
4 MONEYS AND ANY PROGRESS MADE IN [REDUCING THE NUMBER OF
5 POTENTIAL DONORS WHO WERE NOT IDENTIFIED] INCREASING THE NUMBER
6 OF DONOR DESIGNATIONS.

7 [(E) DEFINITION.--AS USED IN THIS SECTION, THE TERM "VITAL
8 ORGAN" MEANS A HEART, LUNG, LIVER, KIDNEY, PANCREAS, SMALL
9 BOWEL, LARGE BOWEL OR STOMACH FOR THE PURPOSE OF
10 TRANSPLANTATION.]

11 (F) LEAD COMMONWEALTH AGENCY.--THE DEPARTMENT OF HEALTH
12 SHALL BE THE LEAD COMMONWEALTH AGENCY RESPONSIBLE FOR PROMOTING
13 ORGAN, TISSUE AND EYE DONATION IN THIS COMMONWEALTH AND SHALL
14 COORDINATE ACTIVITIES AMONG OTHER COLLABORATING COMMONWEALTH
15 AGENCIES.

16 § 8623. CONFIDENTIALITY REQUIREMENT.

17 [THE IDENTITY OF THE DONOR AND OF THE RECIPIENT MAY NOT BE
18 COMMUNICATED UNLESS EXPRESSLY AUTHORIZED BY THE RECIPIENT AND
19 NEXT OF KIN OF THE DECEDENT.]

20 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B), NO
21 ORGAN PROCUREMENT ORGANIZATION, EYE BANK OR TISSUE BANK MAY
22 DIVULGE ANY INDIVIDUALLY IDENTIFIABLE INFORMATION ACQUIRED IN
23 THE COURSE OF PERFORMING THE ORGANIZATION'S OR BANKS'
24 RESPONSIBILITIES UNDER THIS CHAPTER EXCEPT FOR THE PURPOSES OF
25 FACILITATING ORGAN, EYE OR TISSUE DONATION AND TRANSPLANTATION
26 OR AS OTHERWISE REQUIRED UNDER APPLICABLE LAWS.

27 (B) DONORS AND RECIPIENTS.--AN ORGAN PROCUREMENT
28 ORGANIZATION, EYE BANK OR TISSUE BANK MAY COMMUNICATE
29 INDIVIDUALLY IDENTIFIABLE INFORMATION OF THE DONOR AND RECIPIENT
30 IF EXPRESSLY AUTHORIZED BY:

- 1 (1) THE RECIPIENT; AND
2 (2) IF THE DONOR IS ALIVE, THE DONOR, OR IF THE DONOR IS
3 DECEASED, THE NEXT OF KIN OF THE DONOR.

4 § 8624. PROHIBITED ACTIVITIES.

5 [(A) AFFILIATES.--NO ORGAN PROCUREMENT ORGANIZATION SELECTED
6 BY THE DEPARTMENT OF HEALTH UNDER SECTION 8617(G) (RELATING TO
7 REQUESTS FOR ANATOMICAL GIFTS) TO CONDUCT ANNUAL DEATH REVIEWS
8 MAY USE THAT REVIEW AUTHORITY OR ANY POWERS OR PRIVILEGES
9 GRANTED THEREBY TO COERCE OR ATTEMPT TO COERCE A HOSPITAL TO
10 SELECT THE ORGANIZATION OR ANY TISSUE PROCUREMENT PROVIDER
11 CONTRACTUALLY AFFILIATED WITH THE ORGANIZATION AS A DESIGNATED
12 TISSUE PROCUREMENT PROVIDER UNDER SECTION 8617(E).

13 (B) UNFAIR ACTS.--NO ORGAN PROCUREMENT ORGANIZATION OR
14 TISSUE PROCUREMENT PROVIDER MAY DISPARAGE THE SERVICES OR
15 BUSINESS OF OTHER PROCUREMENT PROVIDERS BY FALSE OR MISLEADING
16 REPRESENTATIONS OF FACT, ENGAGE IN ANY OTHER FRAUDULENT CONDUCT
17 TO INFLUENCE THE SELECTION BY A HOSPITAL OF A QUALIFIED TISSUE
18 PROCUREMENT PROVIDER NOR ENGAGE IN UNLAWFUL COMPETITION OR
19 DISCRIMINATION. THIS SUBSECTION IS NOT INTENDED TO RESTRICT OR
20 PRECLUDE ANY ORGAN PROCUREMENT ORGANIZATION OR TISSUE
21 PROCUREMENT PROVIDER FROM MARKETING OR PROMOTING ITS SERVICES IN
22 THE NORMAL COURSE OF BUSINESS.]

23 (C) ORGAN PROCUREMENT ORGANIZATIONS, EYE BANKS AND TISSUE
24 BANKS.--

25 (1) AN ORGAN PROCUREMENT ORGANIZATION, AN EYE BANK OR A
26 TISSUE BANK SHALL NOT DO ANY OF THE FOLLOWING:

27 (I) DISPARAGE THE SERVICES OR BUSINESS OF ANOTHER
28 ORGAN PROCUREMENT ORGANIZATION, EYE BANK OR TISSUE BANK
29 BY FALSE OR MISLEADING REPRESENTATIONS OF FACT.

30 (II) ENGAGE IN FRAUDULENT CONDUCT TO INFLUENCE THE

1 SELECTION BY A HOSPITAL OF AN EYE BANK OR TISSUE BANK.

2 (III) ENGAGE IN UNLAWFUL COMPETITION OR
3 DISCRIMINATION.

4 (2) THIS SUBSECTION IS NOT INTENDED TO RESTRICT OR
5 PRECLUDE AN ORGAN PROCUREMENT ORGANIZATION FROM MARKETING OR
6 PROMOTING THE ORGAN PROCUREMENT ORGANIZATION'S SERVICES IN
7 THE NORMAL COURSE OF BUSINESS.

8 (D) FUNERAL ESTABLISHMENTS.--

9 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), A FUNERAL
10 DIRECTOR OR A FUNERAL ESTABLISHMENT SHALL NOT:

11 (I) REMOVE BODY PARTS FROM A CORPSE;

12 (II) PERMIT OTHERS TO REMOVE BODY PARTS FROM A
13 CORPSE; OR

14 (III) USE FUNERAL ESTABLISHMENT FACILITIES TO REMOVE
15 BODY PARTS FROM A CORPSE.

16 (2) PARAGRAPH (1) SHALL NOT APPLY AS FOLLOWS:

17 (I) REMOVAL IS PERMISSIBLE IF IT IS:

18 (A) NECESSARY TO PERFORM EMBALMING OR OTHER
19 SERVICES IN PREPARATION FOR BURIAL OR CREMATION; AND

20 (B) AUTHORIZED IN WRITING BY A FAMILY MEMBER,
21 GUARDIAN OR OTHER PERSON RESPONSIBLE FOR DISPOSITION
22 OF THE BODY.

23 (II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF
24 A DONATION IS AUTHORIZED UNDER THIS SUBCHAPTER, A
25 DESIGNATED ORGAN PROCUREMENT ORGANIZATION AND A
26 PENNSYLVANIA NONPROFIT EYE BANK ACCREDITED BY THE EYE
27 BANK ASSOCIATION OF AMERICA MAY RECOVER DONATED OCULAR
28 TISSUE, INCLUDING THE WHOLE EYE, CORNEA AND SCLERA, AND
29 ASSOCIATED BLOOD SPECIMENS AT A FUNERAL ESTABLISHMENT.

30 (3) IF A FUNERAL DIRECTOR IS NOTIFIED BY A PERSON

1 AUTHORIZED TO MAKE DONATIONS UNDER THIS SUBCHAPTER THAT THE
2 PERSON WISHES TO DONATE BODY PARTS FROM A CORPSE WITHIN THE
3 FUNERAL DIRECTOR'S CUSTODY, THE FUNERAL DIRECTOR SHALL
4 IMMEDIATELY NOTIFY THE ORGAN PROCUREMENT ORGANIZATION
5 DESIGNATED TO SERVE THAT REGION.

6 SECTION 8. TITLE 20 IS AMENDED BY ADDING SECTIONS TO READ:
7 § 8625. PROMOTION OF ORGAN AND TISSUE DONATION; DONATE LIFE PA
8 REGISTRY ESTABLISHED.

9 (A) PROMOTION.--THE DEPARTMENT OF TRANSPORTATION SHALL
10 ENSURE ACCESS BY RESIDENTS OF THIS COMMONWEALTH TO AN INTERNET-
11 BASED INTERFACE WHICH PROMOTES ANATOMICAL DONATION AND ENABLES
12 RESIDENTS 18 YEARS OF AGE OR OLDER WHO HOLD A PENNSYLVANIA
13 DRIVER'S LICENSE OR IDENTIFICATION CARD TO REGISTER AS AN ORGAN
14 OR TISSUE DONOR AND HAVE THAT DESIGNATION IMMEDIATELY INTEGRATED
15 INTO THE CURRENT DATABASE MAINTAINED BY THE DEPARTMENT. THIS
16 SECTION SHALL NOT PERMIT CONSENT TO DONATION OF HANDS, FACIAL
17 TISSUE OR LIMBS OR OTHER VASCULARIZED COMPOSITE ALLOGRAFTS. THE
18 INTERNET-BASED INTERFACE SHALL CLEARLY STATE THAT THE INTERNET-
19 BASED INTERFACE ONLY PERMITS CONSENT TO ANATOMICAL DONATION. THE
20 INTERNET-BASED INTERFACE SHALL ALSO STATE WHERE ON THE
21 DEPARTMENT OF TRANSPORTATION'S PUBLICLY ACCESSIBLE INTERNET
22 WEBSITE DETAILED INFORMATION ABOUT ORGAN DONATION, TISSUE
23 DONATION, DONATION OF EYES AND DONATION OF HANDS, FACIAL TISSUE
24 OR LIMBS OR OTHER VASCULARIZED COMPOSITE ALLOGRAFTS MAY BE FOUND
25 AND SHALL PROVIDE A HYPERLINK TO THAT INFORMATION.

26 (B) PAPER FORM.--

27 (1) WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS
28 SECTION, THE DEPARTMENT OF TRANSPORTATION SHALL ESTABLISH A
29 SYSTEM WHICH ALLOWS AN INDIVIDUAL WHO HAS BEEN ISSUED A
30 DRIVER'S LICENSE OR IDENTIFICATION CARD TO ADD THE

1 INDIVIDUAL'S ANATOMICAL DONOR DESIGNATION TO THE DONATE LIFE
2 PA REGISTRY BY SUBMITTING A FORM TO THE DEPARTMENT. THIS
3 SECTION SHALL NOT PERMIT CONSENT TO DONATION OF HANDS, FACIAL
4 TISSUE OR LIMBS OR OTHER VASCULARIZED COMPOSITE ALLOGRAFTS.
5 THE INTERNET-BASED INTERFACE SHALL CLEARLY STATE THAT THE
6 INTERFACE ONLY PERMITS CONSENT TO ANATOMICAL DONATION. THE
7 INTERFACE SHALL ALSO STATE WHERE ON THE DEPARTMENT OF
8 TRANSPORTATION'S PUBLICLY ACCESSIBLE INTERNET WEBSITE
9 DETAILED INFORMATION ABOUT ORGAN DONATION, TISSUE DONATION,
10 EYE DONATION AND DONATION OF HANDS, FACIAL TISSUE OR LIMBS OR
11 OTHER VASCULARIZED COMPOSITE ALLOGRAFTS MAY BE FOUND AND
12 SHALL PROVIDE A HYPERLINK TO THAT INFORMATION.

13 (2) REGISTRATION SHALL BE PROVIDED AT NO COST TO THE
14 REGISTRANT.

15 (C) DONATE LIFE PA REGISTRY.--THAT PORTION OF THE DATABASE
16 MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION FOR RECORDING
17 DONOR DESIGNATIONS AND INTERNET-BASED INTERFACE ESTABLISHED IN
18 THIS SECTION SHALL BE KNOWN AS THE DONATE LIFE PA REGISTRY.

19 (D) FORM AND CONTENT.--THE FORM AND CONTENT OF THE INTERNET-
20 BASED INTERFACE SHALL BE DETERMINED AND MAINTAINED BY THE
21 DEPARTMENT OF TRANSPORTATION, AFTER CONSULTING WITH THE
22 DESIGNATED ORGAN PROCUREMENT ORGANIZATIONS. THE INTERNET-BASED
23 INTERFACE SHALL NOT PERMIT CONSENT TO DONATION OF HANDS, FACIAL
24 TISSUE OR LIMBS OR OTHER VASCULARIZED COMPOSITE ALLOGRAFTS.

25 (E) CONFLICT.--

26 (1) IF THERE IS A CONFLICT BETWEEN THE WISHES OF AN
27 INDIVIDUAL WHOSE DEATH IS IMMINENT OR HAS DIED IN A HOSPITAL
28 AS SET FORTH IN SECTION 8617 (RELATING TO REQUESTS FOR
29 ANATOMICAL GIFTS) WHICH INDICATE AN INTENTION TO LIMIT,
30 REVOKE OR DENY MAKING AN ANATOMICAL GIFT AND INFORMATION

1 ENTERED INTO THE DONATE LIFE PA REGISTRY WHICH INDICATES THE
2 INDIVIDUAL HAS A DESIGNATION ON THE INDIVIDUAL'S DRIVER'S
3 LICENSE OF ORGAN DONOR, THE DECISION MADE BY THE INDIVIDUAL
4 WHICH IS MORE RECENT IN TIME SHALL PREVAIL. IN THE EVENT THAT
5 THE INFORMATION IN THE DONATE LIFE PA REGISTRY DESIGNATING
6 THE INDIVIDUAL AS AN ORGAN DONOR IS THE MORE RECENT IN TIME,
7 THEN ANY LIMITATION EXPRESSED BY THE INDIVIDUAL REGARDING AN
8 INTENTION TO LIMIT THE ANATOMICAL GIFT TO PARTS OF THE BODY
9 RECORDED IN A DOCUMENT IN SECTION 8617(C) (3) OR ANY OTHER
10 DOCUMENT SHALL PREVAIL.

11 (2) SUBJECT TO PARAGRAPH (1), REGISTRATION BY A DONOR
12 SHALL CONSTITUTE SUFFICIENT AUTHORIZATION TO DONATE ORGANS
13 AND TISSUES FOR TRANSPLANTATION AND THERAPY. AUTHORIZATION OF
14 ANOTHER PERSON SHALL NOT BE NECESSARY TO EFFECTUATE THE
15 ANATOMICAL GIFT.

16 (F) TECHNOLOGY.--AN INFORMATION TECHNOLOGY SYSTEM ADOPTED BY
17 THE DEPARTMENT OF TRANSPORTATION AFTER THE EFFECTIVE DATE OF
18 THIS SECTION SHALL CONTINUE TO ACCOMMODATE THE INCLUSION OF
19 DONOR DESIGNATION INFORMATION INTO THE DATABASE AND THE ONGOING
20 OPERATION OF THE DONATE LIFE PA REGISTRY.

21 § 8626. FACILITATION OF ANATOMICAL GIFT FROM DECEDENT WHOSE
22 DEATH IS UNDER INVESTIGATION.

23 (A) APPLICABILITY OF SECTION.--THIS SECTION SHALL APPLY IN
24 ALL CASES WHEN THE CORONER OR MEDICAL EXAMINER MUST DETERMINE
25 THE CAUSE OF DEATH AND WHETHER THE DEATH MAY HAVE RESULTED FROM
26 CRIMINAL ACTS OR CRIMINAL NEGLIGENCE.

27 (B) FULL DENIAL OF RECOVERY OF ORGANS.--IF A CORONER OR
28 MEDICAL EXAMINER IS CONSIDERING DENYING RECOVERY OF ALL OF THE
29 ORGANS OF A DECEDENT, THE CORONER OR MEDICAL EXAMINER SHALL
30 COMPLY WITH THE PROCEDURE SET FORTH IN THIS SUBSECTION. THE

1 FOLLOWING APPLY:

2 (1) THE CORONER OR MEDICAL EXAMINER OR A DESIGNEE SHALL
3 MEET WITH A MEDICAL ADVISORY GROUP COMPOSED OF THE DECEDENT'S
4 ATTENDING PHYSICIAN OR A DESIGNEE, THE TRANSPLANT SURGEON,
5 THE FORENSIC PATHOLOGIST, IF AVAILABLE, AND THE APPLICABLE
6 DESIGNATED ORGAN PROCUREMENT ORGANIZATION AT THE HOSPITAL,
7 DURING A REASONABLE TIME CONSISTENT WITH ORGAN DONATION AND
8 PRESERVATION OF FORENSIC EVIDENCE.

9 (2) THE MEDICAL ADVISORY GROUP SHALL PROVIDE THE CORONER
10 OR MEDICAL EXAMINER OR A DESIGNEE WITH THE CLINICAL FINDINGS
11 OF TESTING AND MEDICAL PROCEDURES PERFORMED ON THE DECEDENT
12 WHILE AT THE HOSPITAL.

13 (3) IF, AFTER THE REVIEW OF THE TESTING AND MEDICAL
14 PROCEDURES SET FORTH IN PARAGRAPH (2), THE CORONER OR MEDICAL
15 EXAMINER OR A DESIGNEE INTENDS TO DENY RECOVERY OF ALL OF THE
16 DECEDENT'S ORGANS, THE CORONER OR MEDICAL EXAMINER OR A
17 DESIGNEE MUST PROVIDE A WRITTEN STATEMENT EXPLAINING THE
18 REASON FOR THE DENIAL. THE CORONER OR MEDICAL EXAMINER OR A
19 DESIGNEE SHALL ENSURE THAT THE WRITTEN STATEMENT IS MADE PART
20 OF THE CORONER'S OR MEDICAL EXAMINER'S FILE. THE WRITTEN
21 STATEMENT SHALL BE EXEMPT FROM THE ACT OF FEBRUARY 14, 2008
22 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

23 (C) FORMS.--THE CORONER OR MEDICAL EXAMINER SHALL DEVELOP A
24 FORM FOR THE PURPOSE OF STATING THAT THE CORONER OR MEDICAL
25 EXAMINER HAS DENIED THE RECOVERY OF ALL ORGANS AS SET FORTH IN
26 SUBSECTION (B). THE CORONER OR MEDICAL EXAMINER SHALL COMPLETE
27 THE FORM WHEN DENYING RECOVERY OF ALL OF A DECEDENT'S ORGANS AS
28 SET FORTH IN SUBSECTION (B).

29 § 8627. COLLABORATION AMONG DEPARTMENTS AND ORGAN PROCUREMENT
30 ORGANIZATIONS.

1 (A) MANDATORY.--

2 (1) FOR PURPOSES OF THE ONGOING DEVELOPMENT AND
3 IMPLEMENTATION OF THE DONATE LIFE PA REGISTRY, THE DEPARTMENT
4 OF TRANSPORTATION SHALL COLLABORATE WITH THE DESIGNATED ORGAN
5 PROCUREMENT ORGANIZATIONS IN APPLYING FOR FEDERAL OR PRIVATE
6 GRANTS RECOMMENDED BY THE ORGAN PROCUREMENT ORGANIZATIONS.

7 (2) THE DEPARTMENT OF TRANSPORTATION, IN CONSULTATION
8 WITH DESIGNATED ORGAN PROCUREMENT ORGANIZATIONS, SHALL
9 ESTABLISH AN ANNUAL EDUCATION PROGRAM FOR PHOTO LICENSE
10 TECHNICIANS OF THE DEPARTMENT OF TRANSPORTATION REGARDING THE
11 PROVISIONS OF THIS SUBCHAPTER.

12 (B) DISCRETIONARY.--OTHER COMMONWEALTH AGENCIES MAY
13 COLLABORATE WITH THE DESIGNATED ORGAN PROCUREMENT ORGANIZATIONS
14 IN APPLYING FOR FEDERAL OR PRIVATE GRANTS RECOMMENDED BY THE
15 ORGAN PROCUREMENT ORGANIZATIONS.

16 § 8628. REQUIREMENTS FOR PHYSICIAN AND NURSE TRAINING RELATIVE
17 TO ORGAN AND TISSUE DONATION AND RECOVERY.

18 THE STATE BOARD OF MEDICINE, THE STATE BOARD OF OSTEOPATHIC
19 MEDICINE AND THE STATE BOARD OF NURSING SHALL PROMULGATE
20 REGULATIONS REQUIRING PHYSICIANS, OSTEOPATHIC PHYSICIANS AND
21 PROFESSIONAL NURSES TO COMPLETE A TWO-HOUR COURSE ON ORGAN AND
22 TISSUE DONATION AND RECOVERY DESIGNED TO ADDRESS THE CLINICAL
23 ASPECTS OF THE DONATION AND RECOVERY PROCESS AS A CONDITION OF
24 LICENSE RENEWAL. THE COURSE MAY INCLUDE INFORMATION ABOUT
25 DONATION OF HANDS, FACIAL TISSUE AND LIMBS AND OTHER
26 VASCULARIZED COMPOSITE ALLOGRAFTS. THE COURSE SHALL BE COMPLETED
27 WITHIN FIVE YEARS OF INITIAL LICENSURE OR WITHIN FIVE YEARS OF
28 LICENSURE RENEWAL, WHICHEVER OCCURS FIRST.

29 § 8629. DEPARTMENT OF TRANSPORTATION.

30 THE FOLLOWING SHALL APPLY:

1 (1) THE SECRETARY OF TRANSPORTATION SHALL PUBLISH NOTICE
2 IN THE PENNSYLVANIA BULLETIN OF THE COMPLETION OF THE
3 DEPARTMENT OF TRANSPORTATION'S:

4 (I) INTERNET WEBSITE ESTABLISHED UNDER SECTION
5 8621(C) (2) (RELATING TO THE GOVERNOR ROBERT P. CASEY
6 MEMORIAL ORGAN AND TISSUE DONATION AWARENESS TRUST FUND
7 CONTRIBUTIONS);

8 (II) ESTABLISHMENT OF THE DONATE LIFE PA REGISTRY;
9 AND

10 (III) ESTABLISHMENT OF THE HYPERLINKS TO ENABLE
11 DONATION OF MONEY UNDER SECTION 8621.

12 (2) UNTIL THE NOTICE UNDER PARAGRAPH (1) IS PUBLISHED,
13 THE SECRETARY OF TRANSPORTATION SHALL ISSUE A STATEMENT EVERY
14 60 DAYS TO THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
15 JUDICIARY COMMITTEE OF THE SENATE AND THE CHAIRPERSON AND
16 MINORITY CHAIRPERSON OF THE JUDICIARY COMMITTEE OF THE HOUSE
17 OF REPRESENTATIVES REGARDING THE ACTIONS TAKEN BY THE
18 DEPARTMENT TO COMPLETE THE REQUIREMENTS UNDER PARAGRAPH (1).
19 § 8630. DEPARTMENT OF CORRECTIONS.

20 THE DEPARTMENT OF CORRECTIONS SHALL, IN CONSULTATION WITH AN
21 ORGAN PROCUREMENT ORGANIZATION, PROVIDE INFORMATION TO OR MAKE
22 INFORMATION AVAILABLE ABOUT ANATOMICAL DONATION TO INMATES IN
23 STATE CORRECTIONAL INSTITUTIONS. THE INFORMATION MAY ALSO
24 INCLUDE INFORMATION ABOUT DONATION OF HANDS, FACIAL TISSUE OR
25 LIMBS AND OTHER VASCULARIZED COMPOSITE ALLOGRAFTS. THE
26 INFORMATION SHALL BE PROVIDED OR MADE AVAILABLE ANNUALLY AND
27 SHALL INCLUDE TOPICS UNDER SECTION 8621(C) (2) (RELATING TO THE
28 GOVERNOR ROBERT P. CASEY MEMORIAL ORGAN AND TISSUE DONATION
29 AWARENESS TRUST FUND CONTRIBUTIONS).
30 § 8631. STUDY OF ORGAN PROCUREMENT ORGANIZATIONS.

1 (A) STUDY.--THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE
2 SHALL CONDUCT A STUDY AND PERFORMANCE EVALUATION OF EXPENDITURES
3 WHICH UTILIZE GRANTS FROM THE DEPARTMENT OF HEALTH UNDER SECTION
4 8622(B) (RELATING TO THE GOVERNOR ROBERT P. CASEY MEMORIAL ORGAN
5 AND TISSUE DONATION AWARENESS TRUST FUND).

6 (B) DATE.--THE STUDY UNDER SUBSECTION (A) SHALL BE COMPLETED
7 NO LATER THAN TWO YEARS AFTER THE EFFECTIVE DATE OF THIS
8 SECTION. COPIES SHALL BE SUBMITTED TO THE FOLLOWING:

9 (1) THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE
10 SENATE.

11 (2) THE JUDICIARY COMMITTEE OF THE SENATE.

12 (3) THE HEALTH COMMITTEE OF THE HOUSE OF
13 REPRESENTATIVES.

14 (4) THE JUDICIARY COMMITTEE OF THE HOUSE OF
15 REPRESENTATIVES.

16 § 8632. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND
17 NATIONAL COMMERCE ACT.

18 THIS CHAPTER MODIFIES, LIMITS AND SUPERSEDES THE ELECTRONIC
19 SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT (PUBLIC LAW 106-
20 229, 15 U.S.C. § 7001 ET SEQ.). THIS CHAPTER SHALL NOT MODIFY,
21 LIMIT OR SUPERSEDE SECTION 101(C) OF THE ELECTRONIC SIGNATURES
22 IN GLOBAL AND NATIONAL COMMERCE ACT OR AUTHORIZE ELECTRONIC
23 DELIVERY OF ANY OF THE NOTICES DESCRIBED IN SECTION 103(B) OF
24 THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.

25 SECTION 9. SUBCHAPTER C OF CHAPTER 86 OF TITLE 20 IS
26 REPEALED:

27 [SUBCHAPTER C

28 CORNEAL TRANSPLANTS

29 SEC.

30 8641. REMOVAL OF CORNEAL TISSUE PERMITTED UNDER CERTAIN

1 CIRCUMSTANCES.

2 8642. LIMITATION OF LIABILITY.

3 § 8641. REMOVAL OF CORNEAL TISSUE PERMITTED UNDER CERTAIN
4 CIRCUMSTANCES.

5 (A) GENERAL RULE.--ON A REQUEST FROM AN AUTHORIZED OFFICIAL
6 OF AN EYE BANK FOR CORNEAL TISSUE, A CORONER OR MEDICAL EXAMINER
7 MAY PERMIT THE REMOVAL OF CORNEAL TISSUE IF ALL OF THE FOLLOWING
8 APPLY:

9 (1) THE DECEDENT FROM WHOM THE TISSUE IS TO BE REMOVED
10 DIED UNDER CIRCUMSTANCES REQUIRING AN INQUEST.

11 (2) THE CORONER OR MEDICAL EXAMINER HAS MADE A
12 REASONABLE EFFORT TO CONTACT PERSONS LISTED IN SECTION 8611
13 (RELATING TO PERSONS WHO MAY EXECUTE ANATOMICAL GIFT).

14 (3) NO OBJECTION BY A PERSON LISTED IN SECTION 8611 IS
15 KNOWN BY THE CORONER OR MEDICAL EXAMINER.

16 (4) THE REMOVAL OF THE CORNEAL TISSUE WILL NOT INTERFERE
17 WITH THE SUBSEQUENT COURSE OF AN INVESTIGATION OR AUTOPSY OR
18 ALTER THE DECEDENT'S POSTMORTEM FACIAL APPEARANCE.

19 (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM "EYE
20 BANK" MEANS A NONPROFIT CORPORATION CHARTERED UNDER THE LAWS OF
21 THIS COMMONWEALTH TO OBTAIN, STORE AND DISTRIBUTE DONOR EYES TO
22 BE USED BY PHYSICIANS OR SURGEONS FOR CORNEAL TRANSPLANTS,
23 RESEARCH OR OTHER MEDICAL PURPOSES AND THE MEDICAL ACTIVITIES OF
24 WHICH ARE DIRECTED BY A PHYSICIAN OR SURGEON IN THIS
25 COMMONWEALTH.

26 § 8642. LIMITATION OF LIABILITY.

27 A PERSON WHO ACTS IN GOOD FAITH IN ACCORDANCE WITH THE
28 PROVISIONS OF THIS SUBCHAPTER SHALL NOT BE SUBJECT TO CRIMINAL
29 OR CIVIL LIABILITY ARISING FROM ANY ACTION TAKEN UNDER THIS
30 SUBCHAPTER. THE IMMUNITY PROVIDED BY THIS SECTION SHALL NOT

1 EXTEND TO PERSONS IF DAMAGES RESULT FROM THE GROSS NEGLIGENCE,
2 RECKLESSNESS OR INTENTIONAL MISCONDUCT OF THE PERSON.]

3 SECTION 10. CHAPTER 86 OF TITLE 20 IS AMENDED BY ADDING A
4 SUBCHAPTER TO READ:

5 SUBCHAPTER D

6 HANDS, FACIAL TISSUE, LIMBS AND OTHER
7 VASCULARIZED COMPOSITE ALLOGRAFTS

8 SEC.

9 8651. SCOPE OF SUBCHAPTER.

10 8652. INTENT OF GENERAL ASSEMBLY.

11 8653. DEFINITIONS.

12 8654. REQUIREMENT OF EXPLICIT, SPECIFIC AND SEPARATE
13 AUTHORIZATION.

14 8655. AGENTS, NEXT OF KIN AND OTHER SURROGATE DECISION MAKERS.

15 8656. PROCEDURE FOR REQUESTING HANDS, FACIAL TISSUE, LIMBS AND
16 OTHER VASCULARIZED COMPOSITE ALLOGRAFTS.

17 8657. GIFT OF VASCULARIZED COMPOSITE ALLOGRAFT FROM DECEDENT
18 WHOSE DEATH IS UNDER INVESTIGATION.

19 8658. GIFTS OF VASCULARIZED COMPOSITE ALLOGRAFTS.

20 8659. RIGHTS AND PROTECTIONS FOR CERTAIN INDIVIDUALS.

21 8660. LAW ON AUTOPSIES APPLICABLE.

22 8661. VITAL RECORDS.

23 8662. DONEES AND VASCULARIZED COMPOSITE ALLOGRAFTS.

24 8663. DISSEMINATION OF INFORMATION PROHIBITED.

25 8664. PROHIBITED CONDUCT.

26 8665. FUNERAL ESTABLISHMENTS.

27 8666. LIMITATION ON LIABILITY.

28 § 8651. SCOPE OF SUBCHAPTER.

29 THIS SUBCHAPTER APPLIES EXCLUSIVELY TO HANDS, FACIAL TISSUE,
30 LIMBS AND OTHER VASCULARIZED COMPOSITE ALLOGRAFTS DONATED BY AN

1 INDIVIDUAL WHOSE DEATH IS IMMINENT OR WHO HAS DIED IN THE
2 HOSPITAL.

3 § 8652. INTENT OF GENERAL ASSEMBLY.

4 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE GUIDANCE
5 TO ORGAN PROCUREMENT ORGANIZATIONS, HOSPITALS, HEALTH CARE
6 PROFESSIONALS AND THE PUBLIC ABOUT THE DONATION OF HANDS, FACIAL
7 TISSUE, LIMBS AND OTHER VASCULARIZED COMPOSITE ALLOGRAFTS WHEN
8 DONATED BY AN INDIVIDUAL WHOSE DEATH IS IMMINENT OR WHO HAS DIED
9 IN THE HOSPITAL. THE GENERAL ASSEMBLY RECOGNIZES THAT A DONATION
10 OF A VASCULARIZED COMPOSITE ALLOGRAFT FROM AN INDIVIDUAL WHOSE
11 DEATH IS IMMINENT OR WHO HAS DIED IN THE HOSPITAL, SOMETIMES
12 REFERRED TO AS AUTHORIZATION FOR A VASCULARIZED COMPOSITE
13 ALLOGRAFT FROM A DECEASED DONOR, IS A GIFT WHICH MUST BE GIVEN
14 FREELY. IN ORDER TO BE GIVEN FREELY, EXPLICIT AND SPECIFIC
15 CONSENT MUST BE OBTAINED FROM DONORS OR THE DONORS' FAMILIES.
16 OBTAINING EXPLICIT AND SPECIFIC CONSENT IS THE ONLY WAY TO
17 ENSURE TRANSPARENCY IN THE DONATION PROCESS AND TO PRESERVE THE
18 PUBLIC TRUST. IT IS THE INTENTION OF THE GENERAL ASSEMBLY TO
19 DESIGN POLICIES AND PROCEDURES TO ENSURE THAT THE DONATION OF
20 HANDS, FACIAL TISSUE, LIMBS AND OTHER VASCULARIZED COMPOSITE
21 ALLOGRAFTS FROM AN INDIVIDUAL WHOSE DEATH IS IMMINENT OR WHO HAS
22 DIED IN THE HOSPITAL IS ONLY MADE WITH EXPLICIT AND SPECIFIC
23 CONSENT.

24 § 8653. DEFINITIONS.

25 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
26 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
27 CONTEXT CLEARLY INDICATES OTHERWISE:

28 "MINOR." AN INDIVIDUAL UNDER 18 YEARS OF AGE.

29 "SURROGATE DECISION MAKER." AN INDIVIDUAL UNDER SECTION
30 8611(B)(1), (2), (3), (4), (5), (6), (7) OR (8) (RELATING TO

1 PERSONS WHO MAY EXECUTE ANATOMICAL GIFT).

2 § 8654. REQUIREMENT OF EXPLICIT, SPECIFIC AND SEPARATE
3 AUTHORIZATION.

4 THE FOLLOWING APPLY:

5 (1) AN INDIVIDUAL OF SOUND MIND WHO IS 18 YEARS OF AGE
6 OR OLDER MAY AUTHORIZE RECOVERY OF HANDS, FACIAL TISSUE,
7 LIMBS AND OTHER VASCULARIZED COMPOSITE ALLOGRAFTS. THE
8 AUTHORIZATION MAY BE IN A WILL, LIVING WILL, HEALTH CARE
9 POWER OF ATTORNEY, POWER OF ATTORNEY OR OTHER DOCUMENT. IN
10 ORDER TO BE VALID, THE AUTHORIZATION MUST BE IN WRITING,
11 WITNESSED BY TWO OTHER INDIVIDUALS, AND EXPLICITLY AND
12 SPECIFICALLY STATE THAT THE INDIVIDUAL AUTHORIZES THE
13 RECOVERY OF THE INDIVIDUAL'S HANDS, FACIAL TISSUE, LIMBS OR
14 OTHER VASCULARIZED COMPOSITE ALLOGRAFTS. THE AUTHORIZATION
15 MUST BE PROVIDED SEPARATELY FROM AN ANATOMICAL DONATION. IF
16 THE INDIVIDUAL EXPLICITLY, SPECIFICALLY AND SEPARATELY
17 AUTHORIZES SUCH A GIFT AND REQUESTS RECONSTRUCTIVE SURGERY,
18 THEN THE SURGERY SHALL BE PROVIDED AT NO COST TO THE
19 INDIVIDUAL OR THE INDIVIDUAL'S FAMILY OR REPRESENTATIVE. ANY
20 LIMITATIONS ON THE PROVISION OF THE GIFT AUTHORIZED BY THE
21 INDIVIDUAL SHALL BE HONORED BY THE HOSPITAL, A DONEE UNDER
22 SECTION 8662 (RELATING TO DONEES AND VASCULARIZED COMPOSITE
23 ALLOGRAFTS), HEALTH CARE PROFESSIONALS INVOLVED IN THE
24 RECOVERY AND TRANSPLANTATION PROCESS, THE ORGAN PROCUREMENT
25 ORGANIZATIONS AND ANY OTHER PERSON INVOLVED WITH THE DONATION
26 AND RECOVERY OF A VASCULARIZED COMPOSITE ALLOGRAFT. IF THE
27 INDIVIDUAL AUTHORIZES A GIFT OF HANDS, FACIAL TISSUE, LIMBS
28 OR OTHER VASCULARIZED COMPOSITE ALLOGRAFTS, THEN
29 AUTHORIZATION OF A SURROGATE DECISION MAKER SHALL NOT BE
30 NECESSARY.

1 (2) IT IS UNLAWFUL FOR A MINOR TO AUTHORIZE THE DONATION
2 OF THE MINOR'S HANDS, FACIAL TISSUE, LIMBS OR OTHER
3 VASCULARIZED COMPOSITE ALLOGRAFTS. IN THE CASE OF A MINOR
4 WHOSE DEATH IS IMMINENT OR WHO HAS DIED IN A HOSPITAL, A
5 PARENT OR GUARDIAN MAY AUTHORIZE DONATION OF THE MINOR'S
6 HANDS, FACIAL TISSUE, LIMBS OR OTHER VASCULARIZED COMPOSITE
7 ALLOGRAFTS IF THE PARENT OR GUARDIAN DOES NOT HAVE ACTUAL
8 NOTICE OF CONTRARY INDICATIONS ON THE PART OF THE MINOR WITH
9 RESPECT TO MAKING A DONATION OF THE MINOR'S HANDS, FACIAL
10 TISSUE, LIMBS OR OTHER VASCULARIZED COMPOSITE ALLOGRAFTS AND
11 THERE IS NO ACTUAL NOTICE OF OPPOSITION BY THE OTHER PARENT.
12 IF THE PARENT OR GUARDIAN HAS ACTUAL NOTICE OF CONTRARY
13 INDICATIONS OR THERE IS ACTUAL NOTICE OF OPPOSITION BY THE
14 OTHER PARENT, THEN THE PARENT OR GUARDIAN IS NOT AUTHORIZED
15 TO MAKE SUCH A GIFT. THE HOSPITAL, HEALTH CARE PROFESSIONALS,
16 ORGAN PROCUREMENT ORGANIZATION AND A DONEE UNDER SECTION 8662
17 SHALL NOT EFFECTUATE A DONATION IF THE MINOR EVIDENCED
18 CONTRARY INDICATIONS REGARDING DONATION OF THE MINOR'S HANDS,
19 FACIAL TISSUE, LIMBS OR OTHER VASCULARIZED COMPOSITE
20 ALLOGRAFTS OR THERE IS ACTUAL NOTICE OF OPPOSITION BY THE
21 OTHER PARENT.

22 (3) A GIFT OF A VASCULARIZED COMPOSITE ALLOGRAFT UNDER
23 THIS SECTION MAY BE REVOKED OR AMENDED AT ANY TIME AND IN THE
24 MANNER SPECIFIED IN SECTION 8615 (RELATING TO AMENDMENT OR
25 REVOCATION OF GIFT).

26 § 8655. AGENTS, NEXT OF KIN AND OTHER SURROGATE DECISION
27 MAKERS.

28 THE FOLLOWING APPLY:

29 (1) SUBJECT TO PARAGRAPH (2), A SURROGATE DECISION
30 MAKER, IN ORDER OF PRIORITY STATED WHEN PERSONS IN PRIOR

1 CLASSES ARE NOT AVAILABLE AT THE TIME OF DEATH, AND IN THE
2 ABSENCE OF ACTUAL NOTICE OF CONTRARY INDICATIONS BY THE
3 DECEDENT AS SET FORTH IN SUBPARAGRAPH (II) OR EVIDENCE OF A
4 PROHIBITION, AMENDMENT, REVOCATION OR DENIAL OF A GIFT OF A
5 VASCULARIZED COMPOSITE ALLOGRAFT AS SET FORTH IN SUBPARAGRAPH
6 (I) OR ACTUAL NOTICE OF OPPOSITION BY A MEMBER OF THE SAME OR
7 A PRIOR CLASS, MAY AUTHORIZE THE DONATION OF HANDS, FACIAL
8 TISSUE, LIMBS OR OTHER VASCULARIZED COMPOSITE ALLOGRAFTS OF
9 AN INDIVIDUAL WHO IS AT LEAST 18 YEARS OF AGE AND WHOSE DEATH
10 IS IMMINENT OR WHO HAS DIED IN A HOSPITAL IF:

11 (I) THERE IS NO EVIDENCE OF A PROHIBITION,
12 AMENDMENT, REVOCATION OR DENIAL OF A GIFT OF HANDS,
13 FACIAL TISSUE, LIMBS AND OTHER VASCULARIZED COMPOSITE
14 ALLOGRAFTS IN A LIVING WILL, WILL, ADVANCE HEALTH CARE
15 DIRECTIVE, HEALTH CARE POWER OF ATTORNEY, POWER OF
16 ATTORNEY OR OTHER DOCUMENT OF THE INDIVIDUAL; AND

17 (II) THERE IS NO ACTUAL NOTICE OF CONTRARY
18 INDICATIONS BY THE INDIVIDUAL REGARDING SUCH A GIFT IN
19 ANY FORM, INCLUDING THROUGH STATEMENTS MADE BY THE
20 INDIVIDUAL TO HEALTH CARE PROFESSIONALS, TO FAMILY
21 MEMBERS OR TO THE SURROGATE DECISION MAKER. IF THE
22 SURROGATE DECISION MAKER HAS ACTUAL NOTICE OF CONTRARY
23 INDICATIONS ON THE PART OF THE INDIVIDUAL WITH RESPECT TO
24 MAKING A DONATION OF THE INDIVIDUAL'S HANDS, FACIAL
25 TISSUE, LIMBS OR OTHER VASCULARIZED COMPOSITE ALLOGRAFTS,
26 THEN IT IS UNLAWFUL FOR THE SURROGATE DECISION MAKER TO
27 MAKE SUCH A GIFT. THE HOSPITAL, HEALTH CARE
28 PROFESSIONALS, DONEES UNDER SECTION 8662 (RELATING TO
29 DONEES AND VASCULARIZED COMPOSITE ALLOGRAFTS) AND ORGAN
30 PROCUREMENT ORGANIZATION SHALL NOT EFFECTUATE A DONATION

1 IF THE INDIVIDUAL EVIDENCED CONTRARY INDICATIONS
2 REGARDING DONATION OF THE INDIVIDUAL'S HANDS, FACIAL
3 TISSUE, LIMBS OR OTHER VASCULARIZED COMPOSITE ALLOGRAFTS.

4 (2) A SURROGATE DECISION MAKER MAY NOT AUTHORIZE A GIFT
5 OF HANDS, FACIAL TISSUE, LIMBS OR OTHER VASCULARIZED
6 COMPOSITE ALLOGRAFTS ON THE PART OF AN INDIVIDUAL UNDER
7 PARAGRAPH (1), IF ANY OF THE FOLLOWING APPLY:

8 (I) THE DISTRICT ATTORNEY OR A LAW ENFORCEMENT
9 OFFICER NOTIFIES THE ORGAN PROCUREMENT ORGANIZATION THAT
10 THE SURROGATE DECISION MAKER IS A SUSPECT OR PERSON OF
11 INTEREST IN CAUSING THE DISEASE, ILLNESS, INJURY,
12 CONDITION OR DEATH OF THE INDIVIDUAL.

13 (II) THE DISTRICT ATTORNEY OR A LAW ENFORCEMENT
14 OFFICER NOTIFIES THE ORGAN PROCUREMENT ORGANIZATION THAT
15 THE SURROGATE DECISION MAKER IS THE SUBJECT OF A
16 PROTECTION FROM ABUSE ORDER, AN ORDER ISSUED UNDER 42
17 PA.C.S. CH. 62A (RELATING TO PROTECTION OF VICTIMS OF
18 SEXUAL VIOLENCE OR INTIMIDATION) OR SIMILAR ORDER FROM A
19 COURT THAT WAS ISSUED TO THE INDIVIDUAL.

20 (III) THE DISTRICT ATTORNEY OR A LAW ENFORCEMENT
21 OFFICER NOTIFIES THE ORGAN PROCUREMENT ORGANIZATION THAT
22 THE SURROGATE DECISION MAKER HAS BEEN ARRESTED OR
23 DETAINED IN CONNECTION WITH THE DISEASE, ILLNESS, INJURY,
24 CONDITION OR DEATH OF THE INDIVIDUAL.

25 § 8656. PROCEDURE FOR REQUESTING HANDS, FACIAL TISSUE, LIMBS
26 AND OTHER VASCULARIZED COMPOSITE ALLOGRAFTS.

27 THE FOLLOWING APPLIES TO ORGAN PROCUREMENT ORGANIZATIONS,
28 HEALTH CARE PROFESSIONALS, DONEES UNDER SECTION 8662 (RELATING
29 TO DONEES AND VASCULARIZED COMPOSITE ALLOGRAFTS) AND OTHER
30 PERSONS WHO REQUEST A GIFT OF HANDS, FACIAL TISSUE, LIMBS AND

1 OTHER VASCULARIZED COMPOSITE ALLOGRAFTS FROM A SURROGATE

2 DECISION MAKER:

3 (1) THE REQUEST FOR A DONATION MUST BE MADE SEPARATELY
4 FROM A REQUEST FOR DONATION UNDER SUBCHAPTER B (RELATING TO
5 EXPRESS ANATOMICAL GIFTS). THE REQUEST MUST EXPLICITLY AND
6 SPECIFICALLY IDENTIFY DONATIONS OF HANDS, FACIAL TISSUE,
7 LIMBS AND OTHER VASCULARIZED COMPOSITE ALLOGRAFTS AS DISTINCT
8 FROM TRADITIONAL ORGANS SUCH AS HEART, LIVER, OR LUNG OR
9 TISSUES UNDER SUBCHAPTER B. THE DISCUSSION MUST EDUCATE THE
10 SURROGATE DECISION MAKER ABOUT THE PROCESS OF RECOVERY OF
11 VASCULARIZED COMPOSITE ALLOGRAFTS AND MUST CLEARLY DEFINE AND
12 EXPLAIN ALL OF THE FOLLOWING:

13 (I) WHAT A VASCULARIZED COMPOSITE ALLOGRAFT IS, THE
14 BENEFIT TO THE RECIPIENT AND PRECISELY WHAT WILL BE
15 RECOVERED.

16 (II) THAT ANY PRIOR GENERALIZED AUTHORIZATION FOR AN
17 ANATOMICAL GIFT UNDER SUBCHAPTER B DOES NOT INCLUDE A
18 GIFT OF A HAND, FACIAL TISSUE, LIMB OR OTHER VASCULARIZED
19 COMPOSITE ALLOGRAFT.

20 (III) THAT PERMISSION FOR A GIFT OF A HAND, FACIAL
21 TISSUE, LIMB OR OTHER VASCULARIZED COMPOSITE ALLOGRAFT
22 MUST BE GIVEN SEPARATELY FROM THE PERMISSION FOR A GIFT
23 UNDER SUBCHAPTER B.

24 (IV) THAT THE APPEARANCE OF THE INDIVIDUAL WHOSE
25 DEATH IS IMMINENT OR WHO HAS DIED IN A HOSPITAL WILL BE
26 SIGNIFICANTLY ALTERED AFTER THE RECOVERY OF THE GIFT AND
27 THAT UPON REQUEST THE RECOVERY TEAM WILL PERFORM
28 RECONSTRUCTIVE SURGERY ON THE INDIVIDUAL AT NO COST TO
29 THE INDIVIDUAL, THE INDIVIDUAL'S FAMILY OR SURROGATE
30 DECISION MAKER. IN ADDITION, THE DISCUSSION MUST EXPLAIN

1 THAT THE RECOVERY OF VASCULARIZED COMPOSITE ALLOGRAFTS
2 MAY IMPACT BURIAL ARRANGEMENTS AND THAT AN OPEN CASKET
3 MAY NOT BE POSSIBLE.

4 (V) THAT THE IDENTITY OF THE INDIVIDUAL WHOSE DEATH
5 IS IMMINENT OR WHO HAS DIED IN A HOSPITAL MAY NOT BE ABLE
6 TO BE PROTECTED DUE TO FINGERPRINTS OR BIRTHMARKS.

7 (2) A DECEASED DONOR AUTHORIZATION FORM SHALL BE USED
8 WHICH SPECIFICALLY IDENTIFIES THE OPTION OF AUTHORIZING A
9 GIFT OF HANDS, FACIAL TISSUE, LIMBS AND OTHER VASCULARIZED
10 COMPOSITE ALLOGRAFTS. THE FORM MUST INCLUDE A PROVISION WHICH
11 STATES THAT THE SURROGATE DECISION MAKER AND FAMILY OF THE
12 INDIVIDUAL WHOSE DEATH IS IMMINENT OR WHO HAS DIED IN A
13 HOSPITAL UNDERSTANDS THE RELEVANT ANATOMICAL DETAILS OF THE
14 DONATION, THE ALTERATION OF THE APPEARANCE OF THE INDIVIDUAL,
15 INCLUDING THE IMPACT OF THE RECOVERY OF VASCULARIZED
16 COMPOSITE ALLOGRAFTS UPON FUNERAL ARRANGEMENTS, AND THAT,
17 DESPITE THE BEST EFFORTS OF THE ORGAN PROCUREMENT
18 ORGANIZATION, THE ANONYMITY OF THE INDIVIDUAL MAY NOT BE
19 PROTECTED. FURTHER, THE FORM MUST PROVIDE INFORMATION ABOUT
20 THE NATURE OF THE DISCUSSION REQUIRED UNDER PARAGRAPH (1),
21 INCLUDING:

22 (I) THE DATE AND TIME OF THE DISCUSSION;

23 (II) FOR INDIVIDUALS WHO HOLD A PROFESSIONAL OR
24 OCCUPATIONAL LICENSE, THE NAMES, ADDRESSES, TELEPHONE
25 NUMBERS AND PROFESSIONAL OR OCCUPATIONAL LICENSE NUMBERS
26 OF THE INDIVIDUALS WHO MADE THE REQUEST FOR THE DONATION
27 AND PROVIDED THE INFORMATION UNDER PARAGRAPH (1); AND

28 (III) A SUMMARY OF THE TOPICS DISCUSSED AND WHICH
29 SURROGATE DECISION MAKER AUTHORIZED THE GIFT OF A
30 VASCULARIZED COMPOSITE ALLOGRAFT.

1 § 8657. GIFT OF VASCULARIZED COMPOSITE ALLOGRAFT FROM DECEDENT
2 WHOSE DEATH IS UNDER INVESTIGATION.

3 (A) APPLICABILITY.--THIS SECTION SHALL APPLY IN ALL CASES
4 WHEN THE CORONER OR MEDICAL EXAMINER MUST DETERMINE THE CAUSE OF
5 DEATH AND WHETHER THE DEATH MAY HAVE RESULTED FROM CRIMINAL ACTS
6 OR CRIMINAL NEGLIGENCE.

7 (B) DENIAL OF RECOVERY OF VASCULARIZED COMPOSITE
8 ALLOGRAFT.--IF A CORONER OR MEDICAL EXAMINER IS CONSIDERING
9 DENYING RECOVERY OF THE VASCULARIZED COMPOSITE ALLOGRAFT OF AN
10 INDIVIDUAL, THE CORONER OR MEDICAL EXAMINER SHALL COMPLY WITH
11 THE PROCEDURE SET FORTH IN THIS SUBSECTION. THE FOLLOWING APPLY:

12 (1) THE CORONER OR MEDICAL EXAMINER OR A DESIGNEE SHALL
13 MEET WITH A MEDICAL ADVISORY GROUP COMPOSED OF THE
14 INDIVIDUAL'S ATTENDING PHYSICIAN OR A DESIGNEE, THE
15 TRANSPLANT SURGEON, THE FORENSIC PATHOLOGIST, IF AVAILABLE,
16 AND THE APPLICABLE DESIGNATED ORGAN PROCUREMENT ORGANIZATION
17 AT THE HOSPITAL, DURING A REASONABLE TIME CONSISTENT WITH
18 DONATION AND PRESERVATION OF FORENSIC EVIDENCE.

19 (2) THE MEDICAL ADVISORY GROUP SHALL PROVIDE THE CORONER
20 OR MEDICAL EXAMINER OR A DESIGNEE WITH THE CLINICAL FINDINGS
21 OF TESTING AND MEDICAL PROCEDURES PERFORMED ON THE INDIVIDUAL
22 WHILE AT THE HOSPITAL.

23 (3) IF, AFTER THE REVIEW OF THE TESTING AND MEDICAL
24 PROCEDURES SET FORTH IN PARAGRAPH (2), THE CORONER OR MEDICAL
25 EXAMINER OR A DESIGNEE INTENDS TO DENY RECOVERY OF THE
26 VASCULARIZED COMPOSITE ALLOGRAFT, THE CORONER OR MEDICAL
27 EXAMINER OR A DESIGNEE MUST PROVIDE A WRITTEN STATEMENT
28 EXPLAINING THE REASON FOR THE DENIAL. THE CORONER OR MEDICAL
29 EXAMINER OR A DESIGNEE SHALL ENSURE THE WRITTEN STATEMENT IS
30 MADE PART OF THE CORONER'S OR MEDICAL EXAMINER'S FILE. THE

1 WRITTEN STATEMENT SHALL BE EXEMPT FROM THE ACT OF FEBRUARY
2 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

3 (C) FORMS.--THE CORONER OR MEDICAL EXAMINER SHALL DEVELOP A
4 FORM FOR THE PURPOSE OF STATING THAT THE CORONER OR MEDICAL
5 EXAMINER HAS DENIED THE RECOVERY OF THE VASCULARIZED COMPOSITE
6 ALLOGRAFT AS SET FORTH IN SUBSECTION (B). THE CORONER OR MEDICAL
7 EXAMINER SHALL COMPLETE THE FORM WHEN DENYING RECOVERY OF THE
8 VASCULARIZED COMPOSITE ALLOGRAFT AS SET FORTH IN SUBSECTION (B).
9 § 8658. GIFTS OF VASCULARIZED COMPOSITE ALLOGRAFTS.

10 (A) GIFT.--THE FOLLOWING APPLY TO VASCULARIZED COMPOSITE
11 ALLOGRAFTS:

12 (1) IF THE INDIVIDUAL WHOSE DEATH IS IMMINENT OR HAS
13 DIED IN THE HOSPITAL HAS A DOCUMENT OF GIFT WHICH AUTHORIZES
14 A GIFT OF A VASCULARIZED COMPOSITE ALLOGRAFT, THE ORGAN
15 PROCUREMENT ORGANIZATION REPRESENTATIVE OR THE DESIGNATED
16 REQUESTOR SHALL ATTEMPT TO NOTIFY A SURROGATE DECISION MAKER.

17 (2) IF NO DOCUMENT OF GIFT IS KNOWN TO THE ORGAN
18 PROCUREMENT ORGANIZATION REPRESENTATIVE OR THE DESIGNATED
19 REQUESTOR, THEN THE ORGAN PROCUREMENT ORGANIZATION
20 REPRESENTATIVE OR THE DESIGNATED REQUESTOR MAY ASK THE
21 SURROGATE DECISION MAKER WHETHER THE INDIVIDUAL HAD A VALIDLY
22 EXECUTED DOCUMENT OF GIFT. IF THERE IS NO EVIDENCE OF GIFT OF
23 A VASCULARIZED COMPOSITE ALLOGRAFT BY THE INDIVIDUAL, THE
24 ORGAN PROCUREMENT ORGANIZATION REPRESENTATIVE OR THE
25 DESIGNATED REQUESTOR SHALL NOTIFY THE SURROGATE DECISION
26 MAKER OF THE OPTION TO DONATE A VASCULARIZED COMPOSITE
27 ALLOGRAFT. THE NOTIFICATION SHALL BE PERFORMED IN ACCORDANCE
28 WITH SECTION 8656 (RELATING TO PROCEDURE FOR REQUESTING
29 HANDS, FACIAL TISSUE, LIMBS AND OTHER VASCULARIZED COMPOSITE
30 ALLOGRAFTS).

1 (3) THE HOSPITAL ADMINISTRATOR OR THE HOSPITAL
2 ADMINISTRATOR'S DESIGNATED REPRESENTATIVE SHALL INDICATE IN
3 THE MEDICAL RECORD OF THE INDIVIDUAL THE INFORMATION UNDER
4 THIS PARAGRAPH AND PARAGRAPH (2). THE INFORMATION SHALL ALSO
5 BE COMMUNICATED BY THE HOSPITAL ADMINISTRATOR OR THE HOSPITAL
6 ADMINISTRATOR'S DESIGNEE TO THE ORGAN PROCUREMENT
7 ORGANIZATION OR DESIGNATED REQUESTOR, AS APPROPRIATE:

8 (I) WHETHER OR NOT A DOCUMENT OF GIFT IS KNOWN TO
9 EXIST AND WHETHER A GIFT OF A VASCULARIZED COMPOSITE
10 ALLOGRAFT WAS MADE;

11 (II) IF A GIFT OF A VASCULARIZED COMPOSITE ALLOGRAFT
12 WAS MADE, THE NAME OF THE PERSON GRANTING THE GIFT AND
13 THAT PERSON'S RELATIONSHIP TO THE INDIVIDUAL; AND

14 (III) ALL OF THE FOLLOWING:

15 (A) WHETHER THE INDIVIDUAL EXECUTED AN ADVANCE
16 HEALTH CARE DIRECTIVE, LIVING WILL, POWER OF
17 ATTORNEY, HEALTH CARE POWER OF ATTORNEY, WILL OR
18 OTHER DOCUMENT, INCLUDING A DO-NOT-RESUSCITATE ORDER,
19 EVIDENCING AN INTENTION TO LIMIT, WITHDRAW OR
20 WITHHOLD LIFE-SUSTAINING MEASURES.

21 (B) WHETHER THE INDIVIDUAL INDICATED IN AN
22 ADVANCE HEALTH CARE DIRECTIVE, LIVING WILL, POWER OF
23 ATTORNEY, HEALTH CARE POWER OF ATTORNEY, WILL OR
24 OTHER DOCUMENT AN INTENTION TO LIMIT THE ANATOMICAL
25 GIFTS OF THE INDIVIDUAL IN ANY WAY, INCLUDING THE
26 INTENTION TO LIMIT AN ANATOMICAL GIFT TO PARTS OF THE
27 BODY WHICH DO NOT REQUIRE A VENTILATOR OR OTHER LIFE-
28 SUSTAINING MEASURES, OR TO DENY MAKING OR REFUSING TO
29 MAKE A GIFT OF A VASCULARIZED COMPOSITE ALLOGRAFT.

30 (C) WHETHER THE INDIVIDUAL AMENDED OR REVOKED A

1 GIFT OF A VASCULARIZED COMPOSITE ALLOGRAFT, IN ANY
2 DOCUMENT SPECIFIED IN THIS SUBPARAGRAPH OR IN ANY
3 OTHER DOCUMENT OR IN ACCORDANCE WITH SECTION 8615
4 (RELATING TO AMENDMENT OR REVOCATION OF GIFT).

5 (B) TESTING.--

6 (1) THIS SUBSECTION SHALL APPLY IF:

7 (I) A HOSPITAL REFERS AN INDIVIDUAL WHOSE DEATH IS
8 IMMINENT OR WHO HAS DIED IN A HOSPITAL TO AN ORGAN
9 PROCUREMENT ORGANIZATION;

10 (II) THE ORGAN PROCUREMENT ORGANIZATION, IN
11 CONSULTATION WITH THE INDIVIDUAL'S ATTENDING PHYSICIAN,
12 DETERMINES, BASED UPON A MEDICAL RECORD REVIEW AND OTHER
13 INFORMATION SUPPLIED BY THE INDIVIDUAL'S ATTENDING
14 PHYSICIAN, THAT THE INDIVIDUAL MAY BE A PROSPECTIVE DONOR
15 OF A VASCULARIZED COMPOSITE ALLOGRAFT; AND

16 (III) THE INDIVIDUAL HAS NOT:

17 (A) INDICATED IN AN ADVANCE HEALTH CARE
18 DIRECTIVE, A LIVING WILL, POWER OF ATTORNEY, HEALTH
19 CARE POWER OF ATTORNEY, WILL, DO-NOT-RESUSCITATE
20 ORDER OR OTHER DOCUMENT AN INTENTION TO EITHER LIMIT
21 THE ANATOMICAL GIFTS OF THE INDIVIDUAL TO PARTS OF
22 THE BODY WHICH DO NOT REQUIRE A VENTILATOR OR OTHER
23 LIFE-SUSTAINING MEASURES OR INDICATED AN INTENTION TO
24 DENY MAKING OR REFUSING TO MAKE A GIFT OF A
25 VASCULARIZED COMPOSITE ALLOGRAFT; OR

26 (B) AMENDED OR REVOKED A GIFT OF A VASCULARIZED
27 COMPOSITE ALLOGRAFT IN ANY DOCUMENT SPECIFIED IN
28 SUBSECTION (A) (3) OR IN ANY OTHER DOCUMENT OR IN
29 ACCORDANCE WITH SECTION 8615.

30 (2) IF THE REQUIREMENTS OF PARAGRAPH (1) ARE MET, THE

1 FOLLOWING SHALL APPLY:

2 (I) SUBJECT TO THE WISHES EXPRESSED BY THE
3 INDIVIDUAL UNDER SUBSECTION (A) (3), THE ORGAN PROCUREMENT
4 ORGANIZATION MAY CONDUCT A BLOOD OR TISSUE TEST OR
5 MINIMALLY INVASIVE EXAMINATION WHICH IS REASONABLY
6 NECESSARY TO EVALUATE THE MEDICAL SUITABILITY OF A
7 VASCULARIZED COMPOSITE ALLOGRAFT THAT IS OR MAY BE THE
8 SUBJECT OF A GIFT. TESTING AND EXAMINATION UNDER THIS
9 SUBPARAGRAPH SHALL COMPLY WITH A DENIAL OR REFUSAL TO
10 MAKE A GIFT OF A VASCULARIZED COMPOSITE ALLOGRAFT OR ANY
11 LIMITATION EXPRESSED BY THE INDIVIDUAL WITH RESPECT TO
12 THE VASCULARIZED COMPOSITE ALLOGRAFT, OR A LIMITATION IN
13 THE PROVISION OF A VENTILATOR OR OTHER LIFE-SUSTAINING
14 MEASURES, AS SPECIFIED IN SUBSECTION (A) (3) OR A
15 REVOCATION OR AMENDMENT TO A GIFT OF A VASCULARIZED
16 COMPOSITE ALLOGRAFT AS SPECIFIED IN A DOCUMENT IN
17 SUBSECTION (A) (3) OR IN ANY OTHER DOCUMENT OR IN
18 ACCORDANCE WITH SECTION 8615. THE RESULTS OF TESTS AND
19 EXAMINATIONS UNDER THIS SUBPARAGRAPH SHALL BE USED OR
20 DISCLOSED ONLY:

21 (A) TO EVALUATE MEDICAL SUITABILITY FOR DONATION
22 OF A VASCULARIZED COMPOSITE ALLOGRAFT AND TO
23 FACILITATE THE DONATION PROCESS; AND

24 (B) AS REQUIRED OR PERMITTED BY LAW.

25 (II) SUBJECT TO THE WISHES EXPRESSED BY THE
26 INDIVIDUAL UNDER SUBSECTION (A) (3), THE HOSPITAL MAY NOT
27 WITHDRAW OR WITHHOLD ANY MEASURES WHICH ARE NECESSARY TO
28 MAINTAIN THE MEDICAL SUITABILITY OF THE VASCULARIZED
29 COMPOSITE ALLOGRAFT UNTIL THE ORGAN PROCUREMENT
30 ORGANIZATION OR DESIGNATED REQUESTOR, AS APPROPRIATE, HAS

1 HAD THE OPPORTUNITY TO ADVISE THE SURROGATE DECISION
2 MAKER OF THE OPTION TO MAKE A GIFT OF A VASCULARIZED
3 COMPOSITE ALLOGRAFT AND HAS RECEIVED OR BEEN DENIED
4 AUTHORIZATION TO PROCEED WITH RECOVERY OF THE PART.

5 (C) TESTING AFTER DEATH.--SUBJECT TO THE INDIVIDUAL'S WISHES
6 UNDER SUBSECTION (A) (3), AFTER AN INDIVIDUAL'S DEATH, A PERSON
7 TO WHOM AN ANATOMICAL GIFT MAY PASS UNDER SECTION 8662 (RELATING
8 TO DONEES AND VASCULARIZED COMPOSITE ALLOGRAFTS) MAY CONDUCT A
9 TEST OR EXAMINATION WHICH IS REASONABLY NECESSARY TO EVALUATE
10 THE MEDICAL SUITABILITY OF THE BODY OR PART FOR ITS INTENDED
11 PURPOSE.

12 (D) RECIPIENTS.--SUBJECT TO THE INDIVIDUAL'S WISHES UNDER
13 SUBSECTION (A) (3) AND AS SET FORTH IN THIS SUBCHAPTER, A PERSON
14 THAT ACCEPTS A GIFT OF A VASCULARIZED COMPOSITE ALLOGRAFT MAY
15 ALLOW EMBALMING, BURIAL OR CREMATION AND THE USE OF REMAINS IN A
16 FUNERAL SERVICE. THE PERSON TO WHOM THE PART PASSES UNDER
17 SECTION 8662, UPON THE DEATH OF THE INDIVIDUAL AND BEFORE
18 EMBALMING, BURIAL OR CREMATION, SHALL CAUSE THE VASCULARIZED
19 COMPOSITE ALLOGRAFT TO BE REMOVED WITHOUT UNNECESSARY
20 MUTILATION.

21 (E) PHYSICIANS.--NEITHER THE PHYSICIAN WHO ATTENDS THE
22 INDIVIDUAL AT DEATH NOR THE PHYSICIAN WHO DETERMINES THE TIME OF
23 THE INDIVIDUAL'S DEATH MAY PARTICIPATE IN THE PROCEDURES FOR
24 REMOVING OR TRANSPLANTING A VASCULARIZED COMPOSITE ALLOGRAFT.

25 (F) COORDINATION OF PROCUREMENT AND USE.--THE ORGAN
26 PROCUREMENT ORGANIZATION, HOSPITAL PERSONNEL AND OTHER
27 INDIVIDUALS INVOLVED IN THE PROCESS OF RECOVERING A VASCULARIZED
28 COMPOSITE ALLOGRAFT SHALL LIMIT THE TESTING AND EXAMINATION OF
29 THE INDIVIDUAL UNDER THIS SECTION SO AS TO COMPLY WITH THE
30 WISHES OF THE INDIVIDUAL UNDER SUBSECTION (A) (3).

1 § 8659. RIGHTS AND PROTECTIONS FOR CERTAIN INDIVIDUALS.

2 (A) GENERAL RULE.--AN INDIVIDUAL WHO IS IN NEED OF A
3 VASCULARIZED COMPOSITE ALLOGRAFT SHALL NOT BE DEEMED INELIGIBLE
4 TO RECEIVE A VASCULARIZED COMPOSITE ALLOGRAFT SOLELY BECAUSE OF
5 THE INDIVIDUAL'S PHYSICAL OR MENTAL DISABILITY, EXCEPT TO THE
6 EXTENT THAT THE PHYSICAL OR MENTAL DISABILITY HAS BEEN FOUND BY
7 A PHYSICIAN OR SURGEON FOLLOWING AN INDIVIDUALIZED EVALUATION OF
8 THE INDIVIDUAL TO BE MEDICALLY SIGNIFICANT TO THE PROVISION OF
9 THE VASCULARIZED COMPOSITE ALLOGRAFT. IF AN INDIVIDUAL HAS THE
10 NECESSARY SUPPORT SYSTEM TO ASSIST THE INDIVIDUAL IN COMPLYING
11 WITH POSTTRANSPLANT MEDICAL REQUIREMENTS, AN INDIVIDUAL'S
12 INABILITY TO INDEPENDENTLY COMPLY WITH THOSE REQUIREMENTS SHALL
13 NOT BE DEEMED TO BE MEDICALLY SIGNIFICANT.

14 (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM
15 "DISABILITY" SHALL HAVE THE SAME MEANING AS IN THE AMERICANS
16 WITH DISABILITIES ACT OF 1990 (PUBLIC LAW 101-336, 104 STAT.
17 327).

18 § 8660. LAW ON AUTOPSIES APPLICABLE.

19 (A) GENERAL RULE.--SUBJECT TO THE PROVISIONS OF SECTION 8657
20 (RELATING TO GIFT OF VASCULARIZED COMPOSITE ALLOGRAFT FROM
21 DECEDENT WHOSE DEATH IS UNDER INVESTIGATION), THE PROVISIONS OF
22 THIS SUBCHAPTER ARE SUBJECT TO THE LAWS OF THIS COMMONWEALTH
23 PRESCRIBING POWERS AND DUTIES WITH RESPECT TO AUTOPSIES.

24 (B) COPIES OF AUTOPSY REPORTS.--NOTWITHSTANDING 18 PA.C.S.
25 CH. 91 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION), AN
26 ORGAN PROCUREMENT ORGANIZATION IS AUTHORIZED TO OBTAIN A COPY OF
27 AN AUTOPSY REPORT IN A TIMELY FASHION UPON REQUEST AND PAYMENT
28 OF REASONABLE FEES.

29 § 8661. VITAL RECORDS.

30 AN ORGAN PROCUREMENT ORGANIZATION MAY, UPON REQUEST AND

1 PAYMENT OF ASSOCIATED FEES, OBTAIN CERTIFIED COPIES OF DEATH
2 RECORDS OF A DONOR FROM THE DIVISION OF VITAL RECORDS OF THE
3 DEPARTMENT OF HEALTH.

4 § 8662. DONEES AND VASCULARIZED COMPOSITE ALLOGRAFTS.

5 THE FOLLOWING PERSONS MAY BECOME DONEES OF GIFTS OF
6 VASCULARIZED COMPOSITE ALLOGRAFTS FOR ANY OF THE PURPOSES
7 STATED:

8 (1) ANY HOSPITAL, SURGEON OR PHYSICIAN FOR MEDICAL OR
9 DENTAL EDUCATION, RESEARCH, ADVANCEMENT OF MEDICAL OR DENTAL
10 SCIENCE, THERAPY OR TRANSPLANTATION.

11 (2) ANY ACCREDITED MEDICAL OR DENTAL SCHOOL, COLLEGE OR
12 UNIVERSITY FOR EDUCATION, RESEARCH, ADVANCEMENT OF MEDICAL OR
13 DENTAL SCIENCE OR THERAPY.

14 (3) ANY BANK OR STORAGE FACILITY FOR MEDICAL OR DENTAL
15 EDUCATION, RESEARCH, ADVANCEMENT OF MEDICAL OR DENTAL
16 SCIENCE, THERAPY OR TRANSPLANTATION.

17 (4) ANY SPECIFIED INDIVIDUAL FOR THERAPY OR
18 TRANSPLANTATION NEEDED BY THE INDIVIDUAL.

19 (5) THE BOARD.

20 § 8663. DISSEMINATION OF INFORMATION PROHIBITED.

21 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B), NO
22 ORGAN PROCUREMENT ORGANIZATION, EYE BANK OR TISSUE BANK MAY
23 DIVULGE ANY INDIVIDUALLY IDENTIFIABLE INFORMATION ACQUIRED IN
24 THE COURSE OF PERFORMING THE ORGANIZATION'S OR BANK'S
25 RESPONSIBILITIES UNDER THIS CHAPTER EXCEPT FOR THE PURPOSES OF
26 FACILITATING TRANSPLANTATION OF VASCULARIZED COMPOSITE
27 ALLOGRAFTS.

28 (B) DONORS AND RECIPIENTS.--AN ORGAN PROCUREMENT
29 ORGANIZATION, EYE BANK OR TISSUE BANK MAY COMMUNICATE
30 INDIVIDUALLY IDENTIFIABLE INFORMATION OF THE DONOR AND RECIPIENT

1 IF EXPRESSLY AUTHORIZED BY:

2 (1) THE RECIPIENT; AND

3 (2) IF THE DONOR IS ALIVE, THE DONOR, OR, IF THE DONOR
4 IS DECEASED, THE NEXT OF KIN OF THE DONOR.

5 § 8664. PROHIBITED CONDUCT.

6 (A) GENERAL RULE.--AN ORGAN PROCUREMENT ORGANIZATION, AN EYE
7 BANK OR A TISSUE BANK SHALL NOT DO ANY OF THE FOLLOWING WITH
8 RESPECT TO RECOVERY AND TRANSPLANTATION OF VASCULARIZED
9 COMPOSITE ALLOGRAFTS:

10 (1) DISPARAGE THE SERVICES OR BUSINESS OF ANOTHER ORGAN
11 PROCUREMENT ORGANIZATION, EYE BANK OR TISSUE BANK BY FALSE OR
12 MISLEADING REPRESENTATIONS OF FACT.

13 (2) ENGAGE IN FRAUDULENT CONDUCT TO INFLUENCE THE
14 SELECTION BY A HOSPITAL OF AN EYE BANK OR TISSUE BANK.

15 (3) ENGAGE IN UNLAWFUL COMPETITION OR DISCRIMINATION.

16 (B) CONSTRUCTION.--THIS SUBSECTION IS NOT INTENDED TO
17 RESTRICT OR PRECLUDE AN ORGAN PROCUREMENT ORGANIZATION FROM
18 MARKETING OR PROMOTING THE ORGAN PROCUREMENT ORGANIZATION'S
19 SERVICES REGARDING RECOVERY OF VASCULARIZED COMPOSITE ALLOGRAFTS
20 IN THE NORMAL COURSE OF BUSINESS.

21 § 8665. FUNERAL ESTABLISHMENTS.

22 (A) GENERAL RULE.--EXCEPT AS SET FORTH IN SUBSECTION (B), A
23 FUNERAL DIRECTOR OR A FUNERAL ESTABLISHMENT SHALL NOT:

24 (1) REMOVE VASCULARIZED COMPOSITE ALLOGRAFTS FROM A
25 CORPSE;

26 (2) PERMIT OTHERS TO REMOVE VASCULARIZED COMPOSITE
27 ALLOGRAFTS FROM A CORPSE; OR

28 (3) USE FUNERAL ESTABLISHMENT FACILITIES TO REMOVE
29 VASCULARIZED COMPOSITE ALLOGRAFTS FROM A CORPSE.

30 (B) EXCEPTION.--SUBSECTION (A) SHALL NOT APPLY AND REMOVAL

1 IS PERMISSIBLE IF THE REMOVAL IS:

2 (1) NECESSARY TO PERFORM EMBALMING OR OTHER SERVICES IN
3 PREPARATION FOR BURIAL OR CREMATION; AND

4 (2) AUTHORIZED IN WRITING BY A FAMILY MEMBER OR
5 GUARDIAN.

6 § 8666. LIMITATION ON LIABILITY.

7 A PERSON WHO ACTS IN GOOD FAITH IN ACCORDANCE WITH THE
8 PROVISIONS OF THIS SUBCHAPTER SHALL NOT BE SUBJECT TO CRIMINAL
9 OR CIVIL LIABILITY ARISING FROM ANY ACTION TAKEN UNDER THIS
10 SUBCHAPTER. THE CIVIL IMMUNITY PROVIDED BY THIS SECTION SHALL
11 NOT EXTEND TO PERSONS IF DAMAGES RESULT FROM THE GROSS
12 NEGLIGENCE, RECKLESSNESS OR INTENTIONAL MISCONDUCT OF THE
13 PERSON. THE CRIMINAL IMMUNITY PROVIDED BY THIS SECTION SHALL NOT
14 EXTEND TO INTENTIONAL, KNOWING OR RECKLESS CONDUCT.

15 SECTION 11. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

16 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
17 IMMEDIATELY:

18 (I) THIS SECTION.

19 (II) THE ADDITION OF 20 PA.C.S. § 8619(A.1).

20 (III) THE ADDITION OF 20 PA.C.S. § 8621(C)(2).

21 (IV) THE ADDITION OF 20 PA.C.S. § 8626.

22 (V) THE ADDITION OF 20 PA.C.S. § 8628.

23 (VI) THE ADDITION OF 20 PA.C.S. § 8629.

24 (VII) THE ADDITION OF 20 PA.C.S. § 8631.

25 (VIII) THE ADDITION OF 20 PA.C.S. CH. 86 SUBCH. D.

26 (2) THE AMENDMENT OF 20 PA.C.S. § 305(D)(2) SHALL TAKE
27 EFFECT IN 60 DAYS.

28 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT UPON
29 PUBLICATION OF THE NOTICE UNDER 20 PA.C.S. § 8629.