

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

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

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

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

31 ~~§ 8601. Definitions.~~

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

35 ~~* * *~~

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

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

39 ~~"Advisory committee." The Organ and Tissue Donation Advisory~~
40 ~~Committee established under section 8622 (relating to The~~
41 ~~Governor Robert P. Casey Memorial Organ and Tissue Donation~~

1 ~~Awareness Trust Fund).~~

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

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

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

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

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

16 * * *

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

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

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

1 ~~a separate database.~~

2 * * *

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

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

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

13 * * *

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

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

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

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

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

29 * * *

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

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

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

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

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

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

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

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

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

20 * * *

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

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

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

29 ~~"Reasonably available." Able to be contacted by a~~
30 ~~procurement organization with reasonable effort and willing and~~

1 ~~able to exercise the decision to refuse or to authorize~~
2 ~~anatomical donation in a timely manner consistent with existing~~
3 ~~medical criteria necessary to make an anatomical gift.~~

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

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

9 * * *

10 ~~"Tissue." A portion of the human body other than an organ or~~
11 ~~an eye. The term does not include blood, unless the blood is~~
12 ~~donated for the purpose of research or education.~~

13 ~~"Tissue 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~~
16 ~~tissue.~~

17 * * *

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

21 ~~§ 8611. Persons who may execute anatomical gift.~~

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

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

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

20 ~~{(1) The spouse.~~

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

22 ~~(3) Either parent.~~

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

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

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

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

30 ~~(2) The spouse of the decedent, unless an action for~~

1 ~~divorce is pending.~~

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

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

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

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

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

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

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

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

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

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

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

28 ~~(3) The district attorney or a law enforcement officer~~
29 ~~notifies the organ procurement organization that the~~
30 ~~individual has actually been arrested or detained in~~

1 ~~connection with the condition of the prospective donor.~~

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

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

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

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

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

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

16 * * *

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

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

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

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

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

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

1 ~~(4) Any specified individual for therapy or~~
2 ~~transplantation needed by him.~~

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

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

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

7 ~~(i) A hospital.~~

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

10 ~~(iii) The board.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 ~~§ 8613. Manner of executing anatomical gifts.~~

29 ~~* * *~~

30 ~~(b) Gifts by other documents. [A gift of all or part of the~~

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

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

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

24 * * *

25 ~~[(d) Designation of person to carry out procedures.]~~

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

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

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

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

30 * * *

1 ~~(g) Validity. A document of gift is valid if executed in~~
2 ~~accordance with:~~

3 ~~(1) this chapter;~~

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

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

9 ~~(i) is domiciled;~~

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

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

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

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

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

25 ~~§ 8615. Amendment or revocation of gift.~~

26 ~~* * *~~

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

1 ~~procurement organization, transplant hospital or physician or~~
2 ~~technician knows of the revocation.~~

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

9 ~~Section 6. Sections 8616(b), (c) and (d), 8617, 8619, 8621,~~
10 ~~8622, 8623 and 8624 of Title 20 are amended to read:~~

11 ~~§ 8616. Rights and duties at death.~~

12 ~~* * *~~

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

19 ~~(c) Certain liability limited. A person who acts in good~~
20 ~~faith in accordance with the terms of this subchapter or with~~
21 ~~the anatomical gift laws of another state or a foreign country~~
22 ~~is not liable for damages in any civil action or subject to~~
23 ~~prosecution in any criminal proceeding for his act. A person~~
24 ~~making an anatomical gift or a donor's estate shall not be~~
25 ~~liable for injury or damage which results from the making or use~~
26 ~~of the anatomical gift. In determining whether an anatomical~~
27 ~~gift has been made, amended or revoked under this chapter, a~~
28 ~~person may rely upon representations of an individual listed in~~
29 ~~section 8611(b) relating to the individual's relationship to the~~
30 ~~donor or prospective donor unless the person knows that the~~

1 ~~representation is untrue.~~

2 ~~(d) Law on autopsies applicable. The provisions of this~~
3 ~~subchapter are subject to the laws of this Commonwealth~~
4 ~~prescribing powers and duties with respect to autopsies.~~

5 ~~Notwithstanding 18 Pa.C.S. Ch. 91 (relating to criminal history~~
6 ~~record information), a procurement organization is authorized to~~
7 ~~obtain a copy of an autopsy report in a timely fashion upon~~
8 ~~request and payment of reasonable copying fees.~~

9 ~~§ 8617. Requests for anatomical gifts.~~

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

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

23 ~~(c) Donor card. Notwithstanding any provision of law to the~~
24 ~~contrary, the intent of a decedent to participate in an organ~~
25 ~~donor program as evidenced by the possession of a validly~~
26 ~~executed donor card, donor driver's license, living will,~~
27 ~~durable power of attorney or other document of gift shall not be~~
28 ~~revoked by any member of any of the classes specified in section~~
29 ~~8611(b).~~

30 ~~(d) Identification of potential donors. Each acute care~~

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

~~12 (1) The patient's identifier number.~~

~~13 (2) The patient's age.~~

~~14 (3) The cause of death.~~

~~15 (4) Any past medical history available.~~

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

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

12 ~~(e) Tissue procurement.~~

13 ~~(1) The first priority use for all tissue shall be-~~
14 ~~transplantation.~~

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

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

30 ~~(4) The regional organ procurement organization, with-~~

1 ~~the assistance of tissue procurement providers, shall submit~~
2 ~~an annual report to the General Assembly on the following:~~

3 ~~(i) The number of tissue donors.~~

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

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

9 ~~(f) Guidelines.~~

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

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

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

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

29 ~~(a) Procedure.~~

30 ~~(1) A hospital located in this Commonwealth shall notify~~

~~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~~

1 ~~who has died, the organ procurement organization shall make a~~
2 ~~reasonable search of the records of the Donate Life PA Registry~~
3 ~~or the applicable State donor registry that it knows exists for~~
4 ~~the geographic area in which the individual resided or resides~~
5 ~~in order to ascertain whether the individual has made an~~
6 ~~anatomical gift.~~

7 ~~(c) Document of gift.~~

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

14 ~~(2) If no document of gift is known to the procurement~~
15 ~~organization representative or the designated requestor, one~~
16 ~~of these two individuals shall ask the persons listed in~~
17 ~~section 8611(b) whether the decedent had a validly executed~~
18 ~~document of gift. If there is no evidence of an anatomical~~
19 ~~gift by the decedent, the procurement organization~~
20 ~~representative or the designated requestor shall notify a~~
21 ~~person listed in section 8611(b) of the option to donate~~
22 ~~organs and tissues. The notification shall be performed in~~
23 ~~accordance with a protocol that encourages discretion and~~
24 ~~sensitivity to family circumstances in all discussions~~
25 ~~regarding donations of tissue or organs. The protocol shall~~
26 ~~take into account the deceased's religious beliefs or~~
27 ~~nonsuitability for organ and tissue donation.~~

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

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

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

6 ~~(d) Testing.~~

7 ~~(1) This subsection shall apply if:~~

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

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

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

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

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

26 ~~(B) as required or permitted by law.~~

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

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

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

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

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

18 ~~(f.1) Recipients.~~

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

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

1 ~~unnecessary mutilation.~~

2 ~~(f.2) Physicians.—~~

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

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

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

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

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

22 ~~(g) Death record review.—~~

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

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

28 ~~(i) The [Department of Health] department shall~~
29 ~~select to carry out the review the Commonwealth licensed~~
30 ~~organ procurement organization designated by the [Health~~

~~Care Financing Administration] Centers for Medicare and Medicaid Services for the region within which the acute-care general hospital is located. For an organ-procurement organization to be selected under this subparagraph, the organization must not operate nor have an ownership interest in an entity which provides all of the functions of a tissue procurement provider.~~

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

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

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

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

1 ~~Commonwealth agencies) and Ch. 7 Subch. A (relating to~~
2 ~~judicial review of Commonwealth agency action). Fines~~
3 ~~collected under this paragraph shall be deposited into the~~
4 ~~fund.~~

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

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

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

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

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

21 ~~(a) General rule. The Department of Transportation shall~~
22 ~~redesign the driver's license and identification card~~
23 ~~application system to process requests for information regarding~~
24 ~~consent of the individual to organ or tissue donation. The~~
25 ~~following question shall be asked on both the application for a~~
26 ~~driver's license or identification card and on the organ donor~~
27 ~~designation at a photo center:~~

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

1 ~~Do you wish to have the organ donor designation printed~~
2 ~~on your driver's license?~~

3 ~~Only an affirmative response of an individual shall be noted on~~
4 ~~the front of the driver's license or identification card and~~
5 ~~shall clearly indicate the individual's intent to donate his~~
6 ~~organs or tissue. A notation on an individual's driver's license~~
7 ~~or identification card that he intends to donate his organs or~~
8 ~~tissue is deemed sufficient to satisfy all requirements for~~
9 ~~consent to organ or tissue donation. The department shall record~~
10 ~~and store all donor designations in the Donate Life PA Registry.~~
11 ~~The recorded and stored designation is sufficient to satisfy all~~
12 ~~requirements for consent to organ and tissue donation. The~~
13 ~~recorded and stored designation is not a public record subject~~
14 ~~to disclosure as defined in section 102 of the act of February~~
15 ~~14, 2008 (P.L.6, No.3), known as the Right to Know Law.~~

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

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

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

9 ~~(a) Driver's license.~~

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

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~~
26 ~~Memorial Organ and Tissue Donation Awareness Trust Fund] the~~
27 ~~fund.~~

28 ~~(3) The fund shall reimburse the Department of~~
29 ~~Transportation for the costs incurred in the initial~~
30 ~~development and implementation of the contribution program,~~

~~as well as any additional costs that may arise from changes that are agreed to by both the department and the Organ and Tissue Donation Advisory Committee.~~

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

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

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

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

~~(4) The General Fund shall reimburse the Department of~~

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

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

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

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

1 ~~into a special fund in the State Treasury to be known as The~~
2 ~~Governor Robert P. Casey Memorial Organ and Tissue Donation~~
3 ~~Awareness Trust Fund, which is hereby established.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 ~~(C) donors; and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

30 ~~(iv) A member shall remain in office until a~~

1 ~~successor is appointed and qualified.~~

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

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

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

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

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

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

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

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

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

27 ~~(d) Reports. The Department of Health, the Department of~~
28 ~~Transportation and the Department of Education shall submit an~~
29 ~~annual report to the General Assembly on expenditures of fund~~
30 ~~[moneys] money and any progress made in [reducing the number of~~

1 ~~potential donors who were not identified] increasing the number~~
2 ~~of donor designations.~~

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

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

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

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

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

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

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

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

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

1 ~~information and materials.~~

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

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

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

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 ~~procurement organization may divulge any individually~~
22 ~~identifiable information acquired in the course of performing~~
23 ~~its responsibilities under this chapter except for the purposes~~
24 ~~of facilitating organ, eye or tissue donation and~~
25 ~~transplantation or as otherwise required under applicable laws.~~

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

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

30 ~~(2) if the donor is alive, the donor, or if the donor is~~

1 ~~deceased, the next of kin of the donor.~~

2 ~~§ 8624. Prohibited activities.~~

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

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

21 ~~(c) Procurement organizations.~~

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

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

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

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

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

4 ~~(d) Funeral establishments.~~

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

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

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

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

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

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

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

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

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

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

1 ~~to serve that region.~~

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

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

13 ~~(b) Paper form.~~

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

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

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

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

29 ~~(e) Effect.~~

30 ~~(1) Donor information entered into the Donate Life PA~~

1 ~~Registry shall supersede prior conflicting information:~~

2 ~~(i) provided to the Donate Life PA Registry;~~

3 ~~(ii) on the individual's physical driver's license~~

4 ~~or identification card;~~

5 ~~(iii) on an advance health care directive;~~

6 ~~(iv) submitted under section 8611 (relating to~~
7 ~~persons who may execute anatomical gift); or~~

8 ~~(v) submitted under any other statutory provision.~~

9 ~~(2) Registration by a donor shall constitute sufficient~~
10 ~~authorization to donate organs and tissues for~~

11 ~~transplantation and therapy. Authorization of another person~~
12 ~~shall not be necessary to effectuate the anatomical gift.~~

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

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

20 ~~(a) Coordination.~~

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

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

29 ~~(i) Notify the coroner or medical examiner of the~~
30 ~~county in which the cause precipitating the prospective~~

~~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.~~

1 ~~(5) Notwithstanding the provisions of 18 Pa.C.S. Ch. 91~~
2 ~~(relating to criminal history record information), a coroner~~
3 ~~or medical examiner shall, upon request, release to the~~
4 ~~procurement organization the name, contact information and~~
5 ~~available medical history of a decedent whose death is under~~
6 ~~investigation.~~

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

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

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

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

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

29 ~~(c) Report. If requested by the coroner, medical examiner~~
30 ~~or district attorney, the physician or technician recovering an~~

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

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

~~10 § 8627. Collaboration among departments and procurement
11 organizations.~~

~~12 (a) Mandatory.~~

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

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

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

~~26 § 8628. Information relative to organ and tissue donation.~~

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

1 ~~included in the standards for students in grades 9 through 12~~
2 ~~beginning with the 2019-2020 school year.~~

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

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

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

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

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

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

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

29 ~~(i) emphasizes the benefits to the health and well~~
30 ~~being of society and the lives that are saved through~~

1 ~~organ and tissue donations; and~~

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

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

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

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

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

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

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

29 ~~(2) Successful completion of organ and tissue donation~~
30 ~~and recovery instruction under paragraph (1) shall be~~

~~required as a condition of receiving the degree of doctor of medicine or doctor of osteopathy or a degree in professional nursing, in this Commonwealth.~~

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

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

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

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

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

~~This chapter modifies, limits and supersedes the Electronic Signatures in Global and National Commerce Act (Public Law 106-229, 15 U.S.C. § 7001 et seq.). This chapter shall not modify,~~

~~1 limit or supersede section 101(c) of the Electronic Signatures
2 in Global and National Commerce Act or authorize electronic
3 delivery of any of the notices described in section 103(b) of
4 the Electronic Signatures in Global and National Commerce Act.
5 § 8632. Study of organizations.~~

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

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

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

~~16 (3) The percentage of money used for the following:~~

~~17 (i) lobbying expenses;~~

~~18 (ii) number of staff and salary ranges;~~

~~19 (iii) fundraising activities and amounts raised;~~

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

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

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

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

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

1 ~~be used by physicians or surgeons for corneal transplants,~~
2 ~~research or other medical purposes and the medical activities of~~
3 ~~which are directed by a physician or surgeon in this~~
4 ~~Commonwealth.~~

5 ~~§ 8642. Limitation of liability.~~

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

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

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

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

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

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

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

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

23 * * *

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

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

6 * * *

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

18 * * *

19 § 5471. EXAMPLE.

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

22 DURABLE HEALTH CARE POWER OF ATTORNEY
23 AND HEALTH CARE TREATMENT INSTRUCTIONS
24 (LIVING WILL)

25 PART I
26 INTRODUCTORY REMARKS ON
27 HEALTH CARE DECISION MAKING

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

30 SHOULD YOU BECOME UNABLE TO UNDERSTAND, MAKE OR

1 COMMUNICATE DECISIONS ABOUT MEDICAL CARE, YOUR WISHES FOR
2 MEDICAL TREATMENT ARE MOST LIKELY TO BE FOLLOWED IF YOU
3 EXPRESS THOSE WISHES IN ADVANCE BY:

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

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

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

10 [IT]

11 NOTICE ABOUT ANATOMICAL DONATION

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

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

29 UNDER PENNSYLVANIA LAW, THE ORGAN DONOR DESIGNATION ON
30 THE DRIVER'S LICENSE AUTHORIZES THE INDIVIDUAL TO DONATE WHAT

1 WE TRADITIONALLY THINK OF AS ORGANS (HEART, LUNG, LIVER,
2 KIDNEY) AND TISSUE AND DOES NOT AUTHORIZE THE INDIVIDUAL TO
3 DONATE HANDS, FACIAL TISSUE, LIMBS OR OTHER VASCULARIZED
4 COMPOSITE ALLOGRAFTS.

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

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

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

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

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

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

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

21 YOU SHOULD GIVE A COPY OF YOUR ADVANCE HEALTH CARE
22 DIRECTIVE (A LIVING WILL, HEALTH CARE POWER OF ATTORNEY OR A
23 DOCUMENT CONTAINING BOTH) TO YOUR HEALTH CARE AGENT, YOUR
24 PHYSICIANS, FAMILY MEMBERS AND OTHERS WHOM YOU EXPECT WOULD
25 LIKELY ATTEND TO YOUR NEEDS IF YOU BECOME UNABLE TO
26 UNDERSTAND, MAKE OR COMMUNICATE DECISIONS ABOUT MEDICAL CARE.
27 IF YOUR HEALTH CARE WISHES CHANGE, TELL YOUR PHYSICIAN AND
28 WRITE A NEW ADVANCE HEALTH CARE DIRECTIVE TO REPLACE YOUR OLD
29 ONE. IF YOUR WISHES ABOUT DONATING AN ORGAN, TISSUE OR EYES
30 CHANGE, TELL YOUR PHYSICIAN AND WRITE A NEW ADVANCE HEALTH

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

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

29 NOTES ABOUT THE USE OF THIS FORM

30 IF YOU DECIDE TO USE THIS FORM OR CREATE YOUR OWN ADVANCE

1 HEALTH CARE DIRECTIVE, YOU SHOULD CONSULT WITH YOUR PHYSICIAN
2 AND YOUR ATTORNEY TO MAKE SURE THAT YOUR WISHES ARE CLEARLY
3 EXPRESSED AND COMPLY WITH THE LAW.

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

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

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

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

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

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

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

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

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

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

28 PENNSYLVANIA LAW PROTECTS YOUR HEALTH CARE AGENT AND
29 HEALTH CARE PROVIDERS FROM ANY LEGAL LIABILITY FOR FOLLOWING
30 IN GOOD FAITH YOUR WISHES AS EXPRESSED IN THE FORM OR BY YOUR

1 HEALTH CARE AGENT'S DIRECTION. IT DOES NOT OTHERWISE CHANGE
2 PROFESSIONAL STANDARDS OR EXCUSE NEGLIGENCE IN THE WAY YOUR
3 WISHES ARE CARRIED OUT. IF YOU HAVE ANY QUESTIONS ABOUT THE
4 LAW, CONSULT AN ATTORNEY FOR GUIDANCE.

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

8 PART II

9 DURABLE HEALTH CARE POWER OF ATTORNEY

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

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

30 THE REMAINDER OF THIS DOCUMENT WILL TAKE EFFECT WHEN AND

1 ONLY WHEN I LACK THE ABILITY TO UNDERSTAND, MAKE OR
2 COMMUNICATE A CHOICE REGARDING A HEALTH OR PERSONAL CARE
3 DECISION AS VERIFIED BY MY ATTENDING PHYSICIAN. MY HEALTH
4 CARE AGENT MAY NOT DELEGATE THE AUTHORITY TO MAKE DECISIONS.

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

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

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

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

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

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

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

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

30 8. TO AUTHORIZE OR REFUSE TO AUTHORIZE DONATION OF

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

3 APPOINTMENT OF HEALTH CARE AGENT

4 I APPOINT THE FOLLOWING HEALTH CARE AGENT:

5 HEALTH CARE AGENT:.....

6 (NAME AND RELATIONSHIP)

7 ADDRESS:.....

8

9 TELEPHONE NUMBER: HOME..... WORK.....

10 E-MAIL:.....

11 IF YOU DO NOT NAME A HEALTH CARE AGENT, HEALTH CARE PROVIDERS
12 WILL ASK YOUR FAMILY OR AN ADULT WHO KNOWS YOUR PREFERENCES
13 AND VALUES FOR HELP IN DETERMINING YOUR WISHES FOR TREATMENT.

14 NOTE THAT YOU MAY NOT APPOINT YOUR DOCTOR OR OTHER HEALTH
15 CARE PROVIDER AS YOUR HEALTH CARE AGENT UNLESS RELATED TO YOU
16 BY BLOOD, MARRIAGE OR ADOPTION.

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

23 FIRST ALTERNATIVE HEALTH CARE AGENT:.....

24 (NAME AND RELATIONSHIP)

25 ADDRESS:.....

26

27 TELEPHONE NUMBER: HOME..... WORK.....

28 E-MAIL:.....

29 SECOND ALTERNATIVE HEALTH CARE AGENT:.....

30 (NAME AND RELATIONSHIP)

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

5 GUIDANCE FOR HEALTH CARE AGENT (OPTIONAL) GOALS

6 IF I HAVE AN END-STAGE MEDICAL CONDITION OR OTHER EXTREME
7 IRREVERSIBLE MEDICAL CONDITION, MY GOALS IN MAKING MEDICAL
8 DECISIONS ARE AS FOLLOWS (INSERT YOUR PERSONAL PRIORITIES
9 SUCH AS COMFORT, CARE, PRESERVATION OF MENTAL FUNCTION,
10 ETC.):.....
11
12
13

14 SEVERE BRAIN DAMAGE OR BRAIN DISEASE

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

24 INITIALS.....I AGREE

25 INITIALS.....I DISAGREE

26 PART III

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

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

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

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

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

29 3. I SPECIFICALLY DO NOT WANT ANY OF THE FOLLOWING AS
30 LIFE PROLONGING PROCEDURES: (IF YOU WISH TO RECEIVE ANY OF

1 THESE TREATMENTS, WRITE "I DO WANT" AFTER THE TREATMENT)

2 HEART-LUNG RESUSCITATION (CPR).....

3 MECHANICAL VENTILATOR (BREATHING MACHINE).....

4 DIALYSIS (KIDNEY MACHINE).....

5 SURGERY.....

6 CHEMOTHERAPY.....

7 RADIATION TREATMENT.....

8 ANTIBIOTICS.....

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

14 (INITIAL ONLY ONE STATEMENT.)

15 TUBE FEEDINGS

16I WANT TUBE FEEDINGS TO BE GIVEN

17 OR

18 NO TUBE FEEDINGS

19I DO NOT WANT TUBE FEEDINGS TO BE GIVEN.

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

22 HEALTH CARE AGENT'S USE OF INSTRUCTIONS

23 (INITIAL ONE OPTION ONLY).

24MY HEALTH CARE AGENT MUST FOLLOW THESE
25 INSTRUCTIONS.

26 OR

27THESE INSTRUCTIONS ARE ONLY GUIDANCE.

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

1

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

4 LEGAL PROTECTION

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

14 [ORGAN DONATION (INITIAL ONE OPTION ONLY.)

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

21 OR

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

24 SIGNATURE.....

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

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

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

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

24 ORGAN DONATION

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

1 MAY PROVIDE ARTIFICIAL SUPPORT, WHICH MAY INCLUDE A
2 VENTILATOR, AFTER I AM DECLARED DEAD IN ORDER TO FACILITATE
3 DONATION. I CONSENT TO MAKING A GIFT OF THE FOLLOWING PARTS
4 OF MY BODY FOR TRANSPLANTATION OR RESEARCH (PLEASE INSERT ANY
5 LIMITATIONS YOU DESIRE ON DONATION OF SPECIFIC ORGANS OR
6 TISSUES OR EYES OR ANY LIMITATION ON THE USE OF A DONATED
7 PART OF THE BODY):

8
9
10

11 SIGNATURE.....DATE.....

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

14I CONSENT TO MAKING A GIFT OF MY HANDS, FACIAL
15 TISSUE, LIMBS OR OTHER VASCULARIZED COMPOSITE ALLOGRAFTS. I
16 ALSO UNDERSTAND THAT I HAVE THE OPTION OF REQUESTING
17 RECONSTRUCTION OF MY BODY IN PREPARATION FOR BURIAL AND THAT
18 ANONYMITY OF IDENTITY MAY NOT BE ABLE TO BE PROTECTED IN THE
19 CASE OF DONATION OF HANDS, FACIAL TISSUE OR LIMBS. I ALSO
20 UNDERSTAND THAT BURIAL ARRANGEMENTS MAY BE AFFECTED AND THAT
21 AN OPEN CASKET MAY NOT BE POSSIBLE. I ALSO UNDERSTAND THAT
22 THE HOSPITAL MAY PROVIDE ARTIFICIAL SUPPORT, WHICH MAY
23 INCLUDE A VENTILATOR, AFTER I AM DECLARED DEAD IN ORDER TO
24 FACILITATE DONATION.

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

29
30

1
2

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

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

9 SIGNATURE.....DATE.....

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

20 SIGNATURE.....DATE.....

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

25

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

28 WITNESS:.....

29 WITNESS:.....

30 TWO WITNESSES AT LEAST 18 YEARS OF AGE ARE REQUIRED BY

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

7 NOTARIZATION (OPTIONAL)

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

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

17 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND
18 AFFIXED MY OFFICIAL SEAL IN THE COUNTY OF....., STATE
19 OF..... THE DAY AND YEAR FIRST ABOVE WRITTEN.
20

21 NOTARY PUBLIC MY COMMISSION EXPIRES

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

26 § 8601. DEFINITIONS.

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

30 * * *

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

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

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

8 "AGENT." ANY OF THE FOLLOWING:

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

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

16 "ANATOMICAL DONATION." AN ANATOMICAL GIFT.

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

22 ["BANK OR STORAGE FACILITY." A FACILITY LICENSED, ACCREDITED
23 OR APPROVED UNDER THE LAWS OF ANY STATE FOR STORAGE OF HUMAN
24 BODIES OR PARTS THEREOF.]

25 * * *

26 "DECEDENT." [A DECEASED INDIVIDUAL, INCLUDING A STILLBORN
27 INFANT OR FETUS.] A DECEASED INDIVIDUAL WHOSE BODY OR PART IS OR
28 MAY BE THE SOURCE OF AN ANATOMICAL GIFT. THE TERM INCLUDES A
29 STILLBORN INFANT AND, SUBJECT TO RESTRICTIONS IMPOSED BY OTHER
30 LAWS, A FETUS. THE TERM DOES NOT INCLUDE A BLASTOCYST, EMBRYO OR

1 FETUS THAT IS THE SUBJECT OF AN INDUCED ABORTION.

2 "DOCUMENT OF GIFT." A DONOR CARD OR OTHER RECORD USED TO
3 MAKE, AMEND OR REVOKE AN ANATOMICAL GIFT. THE TERM INCLUDES A
4 STATEMENT OR SYMBOL ON A DRIVER'S LICENSE OR IDENTIFICATION CARD
5 OR IN A DONOR REGISTRY.

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

11 * * *

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

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

18 * * *

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

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

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

28 "ORGAN." A HUMAN KIDNEY, LIVER, HEART, LUNG, PANCREAS,
29 ESOPHAGUS, STOMACH, SMALL OR LARGE INTESTINE, OR ANY PORTION OF
30 THE GASTROINTESTINAL TRACT. THE TERM ALSO INCLUDES BLOOD VESSELS

1 RECOVERED DURING THE RECOVERY OF SUCH ORGANS IF THE VESSELS ARE
2 INTENDED FOR USE IN ORGAN TRANSPLANTATION AND LABELED, "FOR USE
3 IN ORGAN TRANSPLANT ONLY." THE TERM DOES NOT INCLUDE A HUMAN
4 HAND, FACIAL TISSUE, LIMB OR OTHER VASCULARIZED COMPOSITE
5 ALLOGRAFT.

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

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

15 * * *

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

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

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

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

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

27 * * *

28 "REASONABLY AVAILABLE." ABLE TO BE CONTACTED BY AN ORGAN
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 "RECOVERY PROCEDURE." THE PROCESS OF REMOVING CELLS, TISSUES
9 AND ORGANS FROM A DECEDENT. THE TERM DOES NOT INCLUDE THE
10 RECOVERY OF VASCULARIZED COMPOSITE ALLOGRAFTS, INCLUDING
11 RECOVERY OF A HUMAN HAND, FACIAL TISSUE OR LIMB.

12 * * *

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

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

22 * * *

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

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

6 SECTION 3. TITLE 20 IS AMENDED BY ADDING A SECTION TO READ:
7 § 8610. SCOPE.

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

17 SECTION 4. SECTION 8611(A), (B) AND (C) OF TITLE 20 ARE
18 AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS 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 AGENT ACTING UNDER A
26 POWER OF ATTORNEY, HEALTH CARE POWER OF ATTORNEY OR OTHER
27 DOCUMENT WHICH EXPRESSLY AUTHORIZES THE AGENT TO MAKE ANATOMICAL
28 GIFTS MAY EFFECTUATE A GIFT FOR ANY PURPOSE SPECIFIED IN SECTION
29 8612. ANY INDIVIDUAL WHO IS A MINOR AND 16 YEARS OF AGE OR OLDER
30 MAY EFFECTUATE A GIFT FOR ANY PURPOSE SPECIFIED IN SECTION 8612,

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

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

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

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

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

30 (2) THE SPOUSE OF THE DECEDENT, UNLESS AN ACTION FOR

1 DIVORCE IS PENDING.

2 (3) AN ADULT CHILD OF THE DECEDENT.

3 (4) A PARENT OF THE DECEDENT.

4 (5) AN ADULT SIBLING OF THE DECEDENT.

5 (6) AN ADULT GRANDCHILD OF THE DECEDENT.

6 (7) A GRANDPARENT OF THE DECEDENT.

7 (8) ANY OTHER PERSON RELATED TO THE DECEDENT BY BLOOD,
8 MARRIAGE OR ADOPTION.

9 (9) A GUARDIAN OF THE PERSON OF THE DECEDENT.

10 (10) A PERSON AUTHORIZED OR OBLIGATED TO DISPOSE OF THE
11 DECEDENT'S BODY.

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

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

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

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

1 CONDITION OF THE DECEDENT.

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

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

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

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

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

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

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

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

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

30 (2) THE PERSONS AUTHORIZED BY SUBSECTION (B) MAY MAKE

1 THE GIFT AFTER OR IMMEDIATELY BEFORE DEATH.

2 * * *

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

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

6 [THE FOLLOWING PERSONS MAY BECOME DONEES OF GIFTS OF BODIES
7 OR PARTS THEREOF FOR ANY OF THE PURPOSES 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 HIM.

19 (5) THE BOARD.]

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

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

23 (I) A HOSPITAL.

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

26 (III) THE BOARD.

27 (IV) AN ORGAN PROCUREMENT ORGANIZATION.

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

30 (2) SUBJECT TO SUBSECTION (B), AN INDIVIDUAL DESIGNATED

1 BY THE PERSON MAKING THE ANATOMICAL GIFT IF THE INDIVIDUAL IS
2 THE RECIPIENT OF THE PART.

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

4 (4) AN ORGAN PROCUREMENT ORGANIZATION.

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

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

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

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

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

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

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

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

1 LAWFUL PURPOSES ENUMERATED IN THE DOCUMENT OF GIFT.

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

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

9 § 8613. MANNER OF EXECUTING ANATOMICAL GIFTS.

10 * * *

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

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

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

22 * * *

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

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

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

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

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

1 RENDER THE GIFT VALID AND EFFECTIVE. THIS PARAGRAPH SHALL NOT
2 BE CONSTRUED TO PERMIT THE DONATION OF A VASCULARIZED
3 COMPOSITE ALLOGRAFT.

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

11 * * *

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

14 (1) THIS SUBCHAPTER;

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

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

20 (I) IS DOMICILED;

21 (II) HAS A PLACE OF RESIDENCE; OR

22 (III) IS A CITIZEN.

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

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

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

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

9 (2) AS USED IN THIS SUBSECTION, "DISABILITY" SHALL HAVE
10 THE SAME MEANING AS IN THE AMERICANS WITH DISABILITIES ACT OF
11 1990 (PUBLIC LAW 101-336, 104 STAT. 327).

12 SECTION 7. SECTIONS 8616(B), (C) AND (D), 8617, 8619, 8621,
13 8622, 8623 AND 8624 OF TITLE 20 ARE AMENDED TO READ:

14 § 8616. RIGHTS AND DUTIES AT DEATH.

15 * * *

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

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

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

30 (2) THE IMMUNITY FROM CIVIL LIABILITY PROVIDED UNDER

1 PARAGRAPH (1) SHALL NOT EXTEND TO ACTS OR OMISSIONS RESULTING
2 FROM GROSS NEGLIGENCE, RECKLESSNESS OR INTENTIONAL MISCONDUCT
3 OF THE PERSON.

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

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

23 § 8617. REQUESTS FOR ANATOMICAL GIFTS.

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

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

7 (C) DONOR CARD.--NOTWITHSTANDING ANY PROVISION OF LAW TO THE
8 CONTRARY, THE INTENT OF A DECEDENT TO PARTICIPATE IN AN ORGAN
9 DONOR PROGRAM AS EVIDENCED BY THE POSSESSION OF A VALIDLY
10 EXECUTED DONOR CARD, DONOR DRIVER'S LICENSE, LIVING WILL,
11 DURABLE POWER OF ATTORNEY OR OTHER DOCUMENT OF GIFT SHALL NOT BE
12 REVOKED BY ANY MEMBER OF ANY OF THE CLASSES SPECIFIED IN SECTION
13 8611(B).

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

26 (1) THE PATIENT'S IDENTIFIER NUMBER.

27 (2) THE PATIENT'S AGE.

28 (3) THE CAUSE OF DEATH.

29 (4) ANY PAST MEDICAL HISTORY AVAILABLE.

30 THE ORGAN PROCUREMENT ORGANIZATION, IN CONSULTATION WITH THE

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

26 (E) TISSUE PROCUREMENT.--

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

29 (2) UPON DEPARTMENT OF HEALTH APPROVAL OF GUIDELINES
30 PURSUANT TO SUBSECTION (F) (1) (II), ALL ACUTE CARE GENERAL

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

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

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

17 (I) THE NUMBER OF TISSUE DONORS.

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

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

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

1 DONATION OF ORGANS AND TISSUES FOR TRANSPLANT. THE NOTIFICATION
2 SHALL BE MADE WITHOUT REGARD TO WHETHER THE PERSON HAS EXECUTED
3 AN ADVANCE HEALTH CARE DIRECTIVE.

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

12 (C) DOCUMENT OF GIFT.--

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

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

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

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

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

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

18 (III) ALL OF THE FOLLOWING:

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

25 (B) WHETHER THE INDIVIDUAL INDICATED IN AN
26 ADVANCE HEALTH CARE DIRECTIVE, LIVING WILL, POWER OF
27 ATTORNEY, HEALTH CARE POWER OF ATTORNEY, WILL OR
28 OTHER DOCUMENT AN INTENTION TO LIMIT THE ANATOMICAL
29 GIFTS OF THE INDIVIDUAL IN ANY WAY, INCLUDING THE
30 INTENTION TO LIMIT AN ANATOMICAL GIFT TO PARTS OF THE

1 BODY WHICH DO NOT REQUIRE A VENTILATOR OR OTHER LIFE-
2 SUSTAINING MEASURES, OR TO DENY MAKING OR REFUSING TO
3 MAKE AN ANATOMICAL GIFT.

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

9 (D) TESTING.--

10 (1) THIS SUBSECTION SHALL APPLY IF:

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

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

20 (III) THE INDIVIDUAL HAS NOT:

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

29 (B) AMENDED OR REVOKED AN ANATOMICAL GIFT IN ANY
30 DOCUMENT SPECIFIED IN SUBSECTION (C) (3) OR IN ANY

1 OTHER DOCUMENT OR IN ACCORDANCE WITH SECTION 8615.

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

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

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

23 (B) AS REQUIRED OR PERMITTED BY LAW.

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

1 OPTION TO MAKE AN ANATOMICAL GIFT AND HAS RECEIVED OR
2 BEEN DENIED AUTHORIZATION TO PROCEED WITH RECOVERY OF THE
3 PART.

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

11 (F) GUIDELINES.--

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

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

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

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

1 REVIEW, ITS OPERATING PROTOCOLS.

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

6 (F.2) RECIPIENTS.--

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

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

20 (F.3) PHYSICIANS.--

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

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

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

1 (1) A HOSPITAL SHALL ENTER INTO AGREEMENTS OR
2 AFFILIATIONS WITH ORGAN PROCUREMENT ORGANIZATIONS FOR
3 COORDINATION OF PROCUREMENT AND USE OF ANATOMICAL GIFTS.

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

9 (G) DEATH RECORD REVIEW.--

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

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

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

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

1 SELECTED UNDER THIS SUBPARAGRAPH, THE ORGANIZATION MUST
2 NOT OPERATE NOR HAVE AN OWNERSHIP INTEREST IN AN ENTITY
3 WHICH PROVIDES ALL OF THE FUNCTIONS OF A TISSUE
4 PROCUREMENT PROVIDER.

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

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

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

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

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

29 "DESIGNATED REQUESTOR." A HOSPITAL EMPLOYEE COMPLETING A
30 COURSE OFFERED BY [AN] A DESIGNATED ORGAN PROCUREMENT

1 ORGANIZATION ON HOW TO APPROACH POTENTIAL DONOR FAMILIES AND
2 REQUEST ORGAN OR TISSUE DONATION.

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

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

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

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

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

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

1 SUBJECT TO AN INDIVIDUAL'S WISHES AS EXPRESSED IN A DOCUMENT
2 LISTED UNDER SECTIONS 8613(E) (2) (RELATING TO MANNER OF
3 EXECUTING ANATOMICAL GIFTS) AND TO THE INDIVIDUAL'S WISHES UNDER
4 SECTION 8617(C) (3) (RELATING TO REQUESTS FOR ANATOMICAL GIFTS),
5 THE RECORDED AND STORED DESIGNATION IS SUFFICIENT TO SATISFY ALL
6 REQUIREMENTS FOR CONSENT TO ORGAN AND TISSUE DONATION. THE
7 RECORDED AND STORED DESIGNATION IS NOT A PUBLIC RECORD SUBJECT
8 TO DISCLOSURE AS DEFINED IN SECTION 102 OF THE ACT OF FEBRUARY
9 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

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

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

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

18 (II) A LEARNER'S PERMIT; AND

19 (III) AN ORIGINAL OR RENEWAL VEHICLE REGISTRATION.

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

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

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

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

30 (IV) THAT UNDER PENNSYLVANIA LAW, THE REQUEST FOR A

1 VASCULARIZED COMPOSITE ALLOGRAFT MUST BE MADE SEPARATELY
2 FROM A REQUEST FOR ORGANS AND TISSUES;

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

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

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

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

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

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

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

17 (A) DRIVER'S LICENSE.--

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

30 (2) THE DEPARTMENT OF TRANSPORTATION SHALL MONTHLY

1 DETERMINE THE TOTAL AMOUNT DESIGNATED UNDER THIS SECTION AND
2 SHALL REPORT THAT AMOUNT TO THE STATE TREASURER, WHO SHALL
3 TRANSFER THAT AMOUNT TO THE GOVERNOR ROBERT P. CASEY MEMORIAL
4 ORGAN AND TISSUE DONATION AWARENESS TRUST FUND.

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

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

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

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

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

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

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

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

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

30 (2) THE DEPARTMENT OF TRANSPORTATION SHALL PROVIDE

1 DETAILED INFORMATION ON THE DEPARTMENT OF TRANSPORTATION'S
2 PUBLICLY ACCESSIBLE INTERNET WEBSITE, WRITTEN IN NONLEGAL
3 TERMS, IN BOTH ENGLISH AND SPANISH, ABOUT ANATOMICAL
4 DONATION, ORGAN DONATION AND VASCULARIZED COMPOSITE
5 ALLOGRAFTS. THE WEBSITE SHALL INCLUDE THE FOLLOWING:

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

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

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

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

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

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

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

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

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

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

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

28 (I) THAT THE INDIVIDUAL MAY WISH TO CONSULT WITH
29 A PHYSICIAN, ATTORNEY OR CLERGY BEFORE MAKING THE
30 DECISION TO MAKE A DONATION OF WHAT WE TRADITIONALLY

1 THINK OF AS ORGANS (HEART, LUNG, LIVER, KIDNEY) OR A
2 DONATION OF HANDS, FACIAL TISSUE OR LIMBS OR OTHER
3 VASCULARIZED COMPOSITE ALLOGRAFTS.

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

11 (V) A DESCRIPTION REGARDING:

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

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

23 (C) BRAIN DEATH AND CARDIAC DEATH.

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

30 (4) THE DEPARTMENT OF HEALTH SHALL PROVIDE CONSPICUOUS

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

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

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

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

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

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

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

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

14 (4) [25%] TWENTY-FIVE PERCENT MAY BE EXPENDED BY THE
15 DEPARTMENT OF EDUCATION FOR THE IMPLEMENTATION OF ORGAN
16 DONATION AWARENESS PROGRAMS IN THE SECONDARY SCHOOLS IN THIS
17 COMMONWEALTH.

18 [(C) ADVISORY COMMITTEE.--THE ORGAN DONATION ADVISORY
19 COMMITTEE IS HEREBY ESTABLISHED, WITH MEMBERSHIP AS FOLLOWS:

20 (1) TWO REPRESENTATIVES OF ORGAN PROCUREMENT
21 ORGANIZATIONS.

22 (2) TWO REPRESENTATIVES OF TISSUE PROCUREMENT PROVIDERS.

23 (3) SIX MEMBERS REPRESENTATIVE OF ORGAN, TISSUE AND EYE
24 RECIPIENTS, FAMILIES OF RECIPIENTS AND FAMILIES OF DONORS.

25 (4) THREE REPRESENTATIVES OF ACUTE CARE HOSPITALS.

26 (5) ONE REPRESENTATIVE OF THE DEPARTMENT OF HEALTH.

27 (6) ONE REPRESENTATIVE OF EYE BANKS.

28 ALL MEMBERS SHALL BE APPOINTED BY THE GOVERNOR. APPOINTMENTS
29 SHALL BE MADE IN A MANNER THAT PROVIDES REPRESENTATION OF THE
30 NORTHWEST, NORTH CENTRAL, NORTHEAST, SOUTHWEST, SOUTH CENTRAL

1 AND SOUTHEAST REGIONS OF THIS COMMONWEALTH. MEMBERS SHALL SERVE
2 FIVE-YEAR TERMS. THE GOVERNOR MAY REAPPOINT ADVISORY COMMITTEE
3 MEMBERS FOR SUCCESSIVE TERMS. MEMBERS OF THE ADVISORY COMMITTEE
4 SHALL REMAIN IN OFFICE UNTIL A SUCCESSOR IS APPOINTED AND
5 QUALIFIED. IF VACANCIES OCCUR PRIOR TO COMPLETION OF A TERM, THE
6 GOVERNOR SHALL APPOINT ANOTHER MEMBER IN ACCORDANCE WITH THIS
7 SUBSECTION TO FILL THE UNEXPIRED TERM. THE ADVISORY COMMITTEE
8 SHALL MEET AT LEAST BIANNUALLY TO REVIEW PROGRESS IN THE AREA OF
9 ORGAN AND TISSUE DONATION IN THIS COMMONWEALTH, RECOMMEND
10 EDUCATION AND AWARENESS TRAINING PROGRAMS, RECOMMEND PRIORITIES
11 IN EXPENDITURES FROM THE FUND AND ADVISE THE SECRETARY OF HEALTH
12 ON MATTERS RELATING TO ADMINISTRATION OF THE FUND. THE ADVISORY
13 COMMITTEE SHALL RECOMMEND LEGISLATION AS IT DEEMS NECESSARY TO
14 FULFILL THE PURPOSES OF THIS CHAPTER. THE ADVISORY COMMITTEE
15 SHALL SUBMIT A REPORT CONCERNING ITS ACTIVITIES AND PROGRESS TO
16 THE GENERAL ASSEMBLY WITHIN 30 DAYS PRIOR TO THE EXPIRATION OF
17 EACH LEGISLATIVE SESSION. THE DEPARTMENT OF HEALTH SHALL
18 REIMBURSE MEMBERS OF THE ADVISORY COMMITTEE FOR ALL NECESSARY
19 AND REASONABLE TRAVEL AND OTHER EXPENSES INCURRED IN THE
20 PERFORMANCE OF THEIR DUTIES UNDER THIS SECTION.]

21 (C.1) ADVISORY COMMITTEE.--

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

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

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

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

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

30 (V) ONE REPRESENTATIVE FROM EACH DESIGNATED ORGAN

1 PROCUREMENT ORGANIZATION.

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

4 (VII) SIX MEMBERS REPRESENTATIVE OF:

5 (A) ORGAN, TISSUE AND EYE RECIPIENTS;

6 (B) FAMILIES OF RECIPIENTS;

7 (C) DONORS; AND

8 (D) FAMILIES OF DONORS.

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

11 (A) LICENSED IN THIS COMMONWEALTH; AND

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

15 (IX) ONE REPRESENTATIVE OF EYE BANKS.

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

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

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

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

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

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

30 (III) THE GOVERNOR MAY REAPPOINT AN ADVISORY

1 COMMITTEE MEMBER FOR SUCCESSIVE TERMS.

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

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

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

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

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

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

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

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

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

28 (6) THE DEPARTMENT OF HEALTH SHALL REIMBURSE MEMBERS OF
29 THE ADVISORY COMMITTEE ONLY FOR NECESSARY AND REASONABLE
30 TRAVEL AND OTHER EXPENSES INCURRED IN THE PERFORMANCE OF THE

1 ADVISORY COMMITTEE MEMBERS' DUTIES UNDER THIS SUBSECTION.

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

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

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

17 § 8623. CONFIDENTIALITY REQUIREMENT.

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

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 BANKS'
25 RESPONSIBILITIES UNDER THIS CHAPTER EXCEPT FOR THE PURPOSES OF
26 FACILITATING ORGAN, EYE OR TISSUE DONATION AND TRANSPLANTATION
27 OR AS OTHERWISE REQUIRED UNDER APPLICABLE LAWS.

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 IS
4 DECEASED, THE NEXT OF KIN OF THE DONOR.

5 § 8624. PROHIBITED ACTIVITIES.

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

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

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

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

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

1 (II) ENGAGE IN FRAUDULENT CONDUCT TO INFLUENCE THE
2 SELECTION BY A HOSPITAL OF AN EYE BANK OR TISSUE BANK.

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

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

9 (D) FUNERAL ESTABLISHMENTS.--

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

12 (I) REMOVE BODY PARTS FROM A CORPSE;

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

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

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

18 (I) REMOVAL IS PERMISSIBLE IF IT IS:

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

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

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

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

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

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

27 (B) PAPER FORM.--

28 (1) WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS
29 SECTION, THE DEPARTMENT OF TRANSPORTATION SHALL ESTABLISH A
30 SYSTEM WHICH ALLOWS AN INDIVIDUAL WHO HAS BEEN ISSUED A

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

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

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

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

26 (E) CONFLICT.--

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

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

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

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

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

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

28 (B) FULL DENIAL OF RECOVERY OF ORGANS.--IF A CORONER OR
29 MEDICAL EXAMINER IS CONSIDERING DENYING RECOVERY OF ALL OF THE
30 ORGANS OF A DECEDENT, THE CORONER OR MEDICAL EXAMINER SHALL

1 COMPLY WITH THE PROCEDURE SET FORTH IN THIS SUBSECTION. THE
2 FOLLOWING APPLY:

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

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

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

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

30 § 8627. COLLABORATION AMONG DEPARTMENTS AND ORGAN PROCUREMENT

1 ORGANIZATIONS.

2 (A) MANDATORY.--

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

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

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

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

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

30 § 8629. DEPARTMENT OF TRANSPORTATION.

1 THE FOLLOWING SHALL APPLY:

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

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

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

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

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

20 § 8630. DEPARTMENT OF CORRECTIONS.

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

1 § 8631. STUDY OF ORGAN PROCUREMENT ORGANIZATIONS.

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

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

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

12 (2) THE JUDICIARY COMMITTEE OF THE SENATE.

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

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

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

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

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

28 [SUBCHAPTER C
29 CORNEAL TRANSPLANTS
30 SEC.]

1 8641. REMOVAL OF CORNEAL TISSUE PERMITTED UNDER CERTAIN
2 CIRCUMSTANCES.

3 8642. LIMITATION OF LIABILITY.

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

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

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

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

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

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

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

27 § 8642. LIMITATION OF LIABILITY.

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

1 SUBCHAPTER. THE IMMUNITY PROVIDED BY THIS SECTION SHALL NOT
2 EXTEND TO PERSONS IF DAMAGES RESULT FROM THE GROSS NEGLIGENCE,
3 RECKLESSNESS OR INTENTIONAL MISCONDUCT OF THE PERSON.]

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

6 SUBCHAPTER D

7 HANDS, FACIAL TISSUE, LIMBS AND OTHER

8 VASCULARIZED COMPOSITE ALLOGRAFTS

9 SEC.

10 8651. SCOPE OF SUBCHAPTER.

11 8652. INTENT OF GENERAL ASSEMBLY.

12 8653. DEFINITIONS.

13 8654. REQUIREMENT OF EXPLICIT, SPECIFIC AND SEPARATE

14 AUTHORIZATION.

15 8655. AGENTS, NEXT OF KIN AND OTHER SURROGATE DECISION MAKERS.

16 8656. PROCEDURE FOR REQUESTING HANDS, FACIAL TISSUE, LIMBS AND

17 OTHER VASCULARIZED COMPOSITE ALLOGRAFTS.

18 8657. GIFT OF VASCULARIZED COMPOSITE ALLOGRAFT FROM DECEDENT

19 WHOSE DEATH IS UNDER INVESTIGATION.

20 8658. GIFTS OF VASCULARIZED COMPOSITE ALLOGRAFTS.

21 8659. RIGHTS AND PROTECTIONS FOR CERTAIN INDIVIDUALS.

22 8660. LAW ON AUTOPSIES APPLICABLE.

23 8661. VITAL RECORDS.

24 8662. DONEES AND VASCULARIZED COMPOSITE ALLOGRAFTS.

25 8663. DISSEMINATION OF INFORMATION PROHIBITED.

26 8664. PROHIBITED CONDUCT.

27 8665. FUNERAL ESTABLISHMENTS.

28 8666. LIMITATION ON LIABILITY.

29 § 8651. SCOPE OF SUBCHAPTER.

30 THIS SUBCHAPTER APPLIES EXCLUSIVELY TO HANDS, FACIAL TISSUE,

1 LIMBS AND OTHER VASCULARIZED COMPOSITE ALLOGRAFTS DONATED BY AN
2 INDIVIDUAL WHOSE DEATH IS IMMINENT OR WHO HAS DIED IN THE
3 HOSPITAL.

4 § 8652. INTENT OF GENERAL ASSEMBLY.

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

25 § 8653. DEFINITIONS.

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

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

30 "SURROGATE DECISION MAKER." AN INDIVIDUAL UNDER SECTION

1 8611(B)(1), (2), (3), (4), (5), (6), (7) OR (8) (RELATING TO
2 PERSONS WHO MAY EXECUTE ANATOMICAL GIFT).

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

5 THE FOLLOWING APPLY:

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

1 NECESSARY.

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

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

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

29 THE FOLLOWING APPLY:

30 (1) SUBJECT TO PARAGRAPH (2), A SURROGATE DECISION

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

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

18 (II) THERE IS NO ACTUAL NOTICE OF CONTRARY
19 INDICATIONS BY THE INDIVIDUAL REGARDING SUCH A GIFT IN
20 ANY FORM, INCLUDING THROUGH STATEMENTS MADE BY THE
21 INDIVIDUAL TO HEALTH CARE PROFESSIONALS, TO FAMILY
22 MEMBERS OR TO THE SURROGATE DECISION MAKER. IF THE
23 SURROGATE DECISION MAKER HAS ACTUAL NOTICE OF CONTRARY
24 INDICATIONS ON THE PART OF THE INDIVIDUAL WITH RESPECT TO
25 MAKING A DONATION OF THE INDIVIDUAL'S HANDS, FACIAL
26 TISSUE, LIMBS OR OTHER VASCULARIZED COMPOSITE ALLOGRAFTS,
27 THEN IT IS UNLAWFUL FOR THE SURROGATE DECISION MAKER TO
28 MAKE SUCH A GIFT. THE HOSPITAL, HEALTH CARE
29 PROFESSIONALS, DONEES UNDER SECTION 8662 (RELATING TO
30 DONEES AND VASCULARIZED COMPOSITE ALLOGRAFTS) AND ORGAN

1 PROCUREMENT ORGANIZATION SHALL NOT EFFECTUATE A DONATION
2 IF THE INDIVIDUAL EVIDENCED CONTRARY INDICATIONS
3 REGARDING DONATION OF THE INDIVIDUAL'S HANDS, FACIAL
4 TISSUE, LIMBS OR OTHER VASCULARIZED COMPOSITE ALLOGRAFTS.

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

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

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

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

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

28 THE FOLLOWING APPLIES TO ORGAN PROCUREMENT ORGANIZATIONS,
29 HEALTH CARE PROFESSIONALS, DONEES UNDER SECTION 8662 (RELATING
30 TO DONEES AND VASCULARIZED COMPOSITE ALLOGRAFTS) AND OTHER

1 PERSONS WHO REQUEST A GIFT OF HANDS, FACIAL TISSUE, LIMBS AND
2 OTHER VASCULARIZED COMPOSITE ALLOGRAFTS FROM A SURROGATE
3 DECISION MAKER:

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

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

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

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

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

1 DECISION MAKER. IN ADDITION, THE DISCUSSION MUST EXPLAIN
2 THAT THE RECOVERY OF VASCULARIZED COMPOSITE ALLOGRAFTS
3 MAY IMPACT BURIAL ARRANGEMENTS AND THAT AN OPEN CASKET
4 MAY NOT BE POSSIBLE.

5 (V) THAT THE IDENTITY OF THE INDIVIDUAL WHOSE DEATH
6 IS IMMINENT OR WHO HAS DIED IN A HOSPITAL MAY NOT BE ABLE
7 TO BE PROTECTED DUE TO FINGERPRINTS OR BIRTHMARKS.

8 (2) A DECEASED DONOR AUTHORIZATION FORM SHALL BE USED
9 WHICH SPECIFICALLY IDENTIFIES THE OPTION OF AUTHORIZING A
10 GIFT OF HANDS, FACIAL TISSUE, LIMBS AND OTHER VASCULARIZED
11 COMPOSITE ALLOGRAFTS. THE FORM MUST INCLUDE A PROVISION WHICH
12 STATES THAT THE SURROGATE DECISION MAKER AND FAMILY OF THE
13 INDIVIDUAL WHOSE DEATH IS IMMINENT OR WHO HAS DIED IN A
14 HOSPITAL UNDERSTANDS THE RELEVANT ANATOMICAL DETAILS OF THE
15 DONATION, THE ALTERATION OF THE APPEARANCE OF THE INDIVIDUAL,
16 INCLUDING THE IMPACT OF THE RECOVERY OF VASCULARIZED
17 COMPOSITE ALLOGRAFTS UPON FUNERAL ARRANGEMENTS, AND THAT,
18 DESPITE THE BEST EFFORTS OF THE ORGAN PROCUREMENT
19 ORGANIZATION, THE ANONYMITY OF THE INDIVIDUAL MAY NOT BE
20 PROTECTED. FURTHER, THE FORM MUST PROVIDE INFORMATION ABOUT
21 THE NATURE OF THE DISCUSSION REQUIRED UNDER PARAGRAPH (1),
22 INCLUDING:

23 (I) THE DATE AND TIME OF THE DISCUSSION;

24 (II) FOR INDIVIDUALS WHO HOLD A PROFESSIONAL OR
25 OCCUPATIONAL LICENSE, THE NAMES, ADDRESSES, TELEPHONE
26 NUMBERS AND PROFESSIONAL OR OCCUPATIONAL LICENSE NUMBERS
27 OF THE INDIVIDUALS WHO MADE THE REQUEST FOR THE DONATION
28 AND PROVIDED THE INFORMATION UNDER PARAGRAPH (1); AND

29 (III) A SUMMARY OF THE TOPICS DISCUSSED AND WHICH
30 SURROGATE DECISION MAKER AUTHORIZED THE GIFT OF A

1 VASCULARIZED COMPOSITE ALLOGRAFT.

2 § 8657. GIFT OF VASCULARIZED COMPOSITE ALLOGRAFT FROM DECEDENT
3 WHOSE DEATH IS UNDER INVESTIGATION.

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

8 (B) DENIAL OF RECOVERY OF VASCULARIZED COMPOSITE
9 ALLOGRAFT.--IF A CORONER OR MEDICAL EXAMINER IS CONSIDERING
10 DENYING RECOVERY OF THE VASCULARIZED COMPOSITE ALLOGRAFT OF AN
11 INDIVIDUAL, THE CORONER OR MEDICAL EXAMINER SHALL COMPLY WITH
12 THE PROCEDURE SET FORTH IN THIS SUBSECTION. THE FOLLOWING APPLY:

13 (1) THE CORONER OR MEDICAL EXAMINER OR A DESIGNEE SHALL
14 MEET WITH A MEDICAL ADVISORY GROUP COMPOSED OF THE
15 INDIVIDUAL'S ATTENDING PHYSICIAN OR A DESIGNEE, THE
16 TRANSPLANT SURGEON, THE FORENSIC PATHOLOGIST, IF AVAILABLE,
17 AND THE APPLICABLE DESIGNATED ORGAN PROCUREMENT ORGANIZATION
18 AT THE HOSPITAL, DURING A REASONABLE TIME CONSISTENT WITH
19 DONATION AND PRESERVATION OF FORENSIC EVIDENCE.

20 (2) THE MEDICAL ADVISORY GROUP SHALL PROVIDE THE CORONER
21 OR MEDICAL EXAMINER OR A DESIGNEE WITH THE CLINICAL FINDINGS
22 OF TESTING AND MEDICAL PROCEDURES PERFORMED ON THE INDIVIDUAL
23 WHILE AT THE HOSPITAL.

24 (3) IF, AFTER THE REVIEW OF THE TESTING AND MEDICAL
25 PROCEDURES SET FORTH IN PARAGRAPH (2), THE CORONER OR MEDICAL
26 EXAMINER OR A DESIGNEE INTENDS TO DENY RECOVERY OF THE
27 VASCULARIZED COMPOSITE ALLOGRAFT, THE CORONER OR MEDICAL
28 EXAMINER OR A DESIGNEE MUST PROVIDE A WRITTEN STATEMENT
29 EXPLAINING THE REASON FOR THE DENIAL. THE CORONER OR MEDICAL
30 EXAMINER OR A DESIGNEE SHALL ENSURE THE WRITTEN STATEMENT IS

1 MADE PART OF THE CORONER'S OR MEDICAL EXAMINER'S FILE. THE
2 WRITTEN STATEMENT SHALL BE EXEMPT FROM THE ACT OF FEBRUARY
3 14, 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

4 (C) FORMS.--THE CORONER OR MEDICAL EXAMINER SHALL DEVELOP A
5 FORM FOR THE PURPOSE OF STATING THAT THE CORONER OR MEDICAL
6 EXAMINER HAS DENIED THE RECOVERY OF THE VASCULARIZED COMPOSITE
7 ALLOGRAFT AS SET FORTH IN SUBSECTION (B). THE CORONER OR MEDICAL
8 EXAMINER SHALL COMPLETE THE FORM WHEN DENYING RECOVERY OF THE
9 VASCULARIZED COMPOSITE ALLOGRAFT AS SET FORTH IN SUBSECTION (B).
10 § 8658. GIFTS OF VASCULARIZED COMPOSITE ALLOGRAFTS.

11 (A) GIFT.--THE FOLLOWING APPLY TO VASCULARIZED COMPOSITE
12 ALLOGRAFTS:

13 (1) IF THE INDIVIDUAL WHOSE DEATH IS IMMINENT OR HAS
14 DIED IN THE HOSPITAL HAS A DOCUMENT OF GIFT WHICH AUTHORIZES
15 A GIFT OF A VASCULARIZED COMPOSITE ALLOGRAFT, THE ORGAN
16 PROCUREMENT ORGANIZATION REPRESENTATIVE OR THE DESIGNATED
17 REQUESTOR SHALL ATTEMPT TO NOTIFY A SURROGATE DECISION MAKER.

18 (2) IF NO DOCUMENT OF GIFT IS KNOWN TO THE ORGAN
19 PROCUREMENT ORGANIZATION REPRESENTATIVE OR THE DESIGNATED
20 REQUESTOR, THEN THE ORGAN PROCUREMENT ORGANIZATION
21 REPRESENTATIVE OR THE DESIGNATED REQUESTOR MAY ASK THE
22 SURROGATE DECISION MAKER WHETHER THE INDIVIDUAL HAD A VALIDLY
23 EXECUTED DOCUMENT OF GIFT. IF THERE IS NO EVIDENCE OF GIFT OF
24 A VASCULARIZED COMPOSITE ALLOGRAFT BY THE INDIVIDUAL, THE
25 ORGAN PROCUREMENT ORGANIZATION REPRESENTATIVE OR THE
26 DESIGNATED REQUESTOR SHALL NOTIFY THE SURROGATE DECISION
27 MAKER OF THE OPTION TO DONATE A VASCULARIZED COMPOSITE
28 ALLOGRAFT. THE NOTIFICATION SHALL BE PERFORMED IN ACCORDANCE
29 WITH SECTION 8656 (RELATING TO PROCEDURE FOR REQUESTING
30 HANDS, FACIAL TISSUE, LIMBS AND OTHER VASCULARIZED COMPOSITE

1 ALLOGRAFTS).

2 (3) THE HOSPITAL ADMINISTRATOR OR THE HOSPITAL
3 ADMINISTRATOR'S DESIGNATED REPRESENTATIVE SHALL INDICATE IN
4 THE MEDICAL RECORD OF THE INDIVIDUAL THE INFORMATION UNDER
5 THIS PARAGRAPH AND PARAGRAPH (2). THE INFORMATION SHALL ALSO
6 BE COMMUNICATED BY THE HOSPITAL ADMINISTRATOR OR THE HOSPITAL
7 ADMINISTRATOR'S DESIGNEE TO THE ORGAN PROCUREMENT
8 ORGANIZATION OR DESIGNATED REQUESTOR, AS APPROPRIATE:

9 (I) WHETHER OR NOT A DOCUMENT OF GIFT IS KNOWN TO
10 EXIST AND WHETHER A GIFT OF A VASCULARIZED COMPOSITE
11 ALLOGRAFT WAS MADE;

12 (II) IF A GIFT OF A VASCULARIZED COMPOSITE ALLOGRAFT
13 WAS MADE, THE NAME OF THE PERSON GRANTING THE GIFT AND
14 THAT PERSON'S RELATIONSHIP TO THE INDIVIDUAL; AND

15 (III) ALL OF THE FOLLOWING:

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

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

1 (C) WHETHER THE INDIVIDUAL AMENDED OR REVOKED A
2 GIFT OF A VASCULARIZED COMPOSITE ALLOGRAFT, IN ANY
3 DOCUMENT SPECIFIED IN THIS SUBPARAGRAPH OR IN ANY
4 OTHER DOCUMENT OR IN ACCORDANCE WITH SECTION 8615
5 (RELATING TO AMENDMENT OR REVOCATION OF GIFT).

6 (B) TESTING.--

7 (1) THIS SUBSECTION SHALL APPLY IF:

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

11 (II) THE ORGAN PROCUREMENT ORGANIZATION, IN
12 CONSULTATION WITH THE INDIVIDUAL'S ATTENDING PHYSICIAN,
13 DETERMINES, BASED UPON A MEDICAL RECORD REVIEW AND OTHER
14 INFORMATION SUPPLIED BY THE INDIVIDUAL'S ATTENDING
15 PHYSICIAN, THAT THE INDIVIDUAL MAY BE A PROSPECTIVE DONOR
16 OF A VASCULARIZED COMPOSITE ALLOGRAFT; AND

17 (III) THE INDIVIDUAL HAS NOT:

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

27 (B) AMENDED OR REVOKED A GIFT OF A VASCULARIZED
28 COMPOSITE ALLOGRAFT IN ANY DOCUMENT SPECIFIED IN
29 SUBSECTION (A) (3) OR IN ANY OTHER DOCUMENT OR IN
30 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 (A) (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
8 VASCULARIZED COMPOSITE ALLOGRAFT THAT IS OR MAY BE THE
9 SUBJECT OF A GIFT. TESTING AND EXAMINATION UNDER THIS
10 SUBPARAGRAPH SHALL COMPLY WITH A DENIAL OR REFUSAL TO
11 MAKE A GIFT OF A VASCULARIZED COMPOSITE ALLOGRAFT OR ANY
12 LIMITATION EXPRESSED BY THE INDIVIDUAL WITH RESPECT TO
13 THE VASCULARIZED COMPOSITE ALLOGRAFT, OR A LIMITATION IN
14 THE PROVISION OF A VENTILATOR OR OTHER LIFE-SUSTAINING
15 MEASURES, AS SPECIFIED IN SUBSECTION (A) (3) OR A
16 REVOCATION OR AMENDMENT TO A GIFT OF A VASCULARIZED
17 COMPOSITE ALLOGRAFT AS SPECIFIED IN A DOCUMENT IN
18 SUBSECTION (A) (3) OR IN ANY OTHER DOCUMENT OR IN
19 ACCORDANCE WITH SECTION 8615. THE RESULTS OF TESTS AND
20 EXAMINATIONS UNDER THIS SUBPARAGRAPH SHALL BE USED OR
21 DISCLOSED ONLY:

22 (A) TO EVALUATE MEDICAL SUITABILITY FOR DONATION
23 OF A VASCULARIZED COMPOSITE ALLOGRAFT AND TO
24 FACILITATE THE DONATION PROCESS; AND

25 (B) AS REQUIRED OR PERMITTED BY LAW.

26 (II) SUBJECT TO THE WISHES EXPRESSED BY THE
27 INDIVIDUAL UNDER SUBSECTION (A) (3), THE HOSPITAL MAY NOT
28 WITHDRAW OR WITHHOLD ANY MEASURES WHICH ARE NECESSARY TO
29 MAINTAIN THE MEDICAL SUITABILITY OF THE VASCULARIZED
30 COMPOSITE ALLOGRAFT UNTIL THE ORGAN PROCUREMENT

1 ORGANIZATION OR DESIGNATED REQUESTOR, AS APPROPRIATE, HAS
2 HAD THE OPPORTUNITY TO ADVISE THE SURROGATE DECISION
3 MAKER OF THE OPTION TO MAKE A GIFT OF A VASCULARIZED
4 COMPOSITE ALLOGRAFT AND HAS RECEIVED OR BEEN DENIED
5 AUTHORIZATION TO PROCEED WITH RECOVERY OF THE PART.

6 (C) TESTING AFTER DEATH.--SUBJECT TO THE INDIVIDUAL'S WISHES
7 UNDER SUBSECTION (A) (3), AFTER AN INDIVIDUAL'S DEATH, A PERSON
8 TO WHOM AN ANATOMICAL GIFT MAY PASS UNDER SECTION 8662 (RELATING
9 TO DONEES AND VASCULARIZED COMPOSITE ALLOGRAFTS) MAY CONDUCT A
10 TEST OR EXAMINATION WHICH IS REASONABLY NECESSARY TO EVALUATE
11 THE MEDICAL SUITABILITY OF THE BODY OR PART FOR ITS INTENDED
12 PURPOSE.

13 (D) RECIPIENTS.--SUBJECT TO THE INDIVIDUAL'S WISHES UNDER
14 SUBSECTION (A) (3) AND AS SET FORTH IN THIS SUBCHAPTER, A PERSON
15 THAT ACCEPTS A GIFT OF A VASCULARIZED COMPOSITE ALLOGRAFT MAY
16 ALLOW EMBALMING, BURIAL OR CREMATION AND THE USE OF REMAINS IN A
17 FUNERAL SERVICE. THE PERSON TO WHOM THE PART PASSES UNDER
18 SECTION 8662, UPON THE DEATH OF THE INDIVIDUAL AND BEFORE
19 EMBALMING, BURIAL OR CREMATION, SHALL CAUSE THE VASCULARIZED
20 COMPOSITE ALLOGRAFT TO BE REMOVED WITHOUT UNNECESSARY
21 MUTILATION.

22 (E) PHYSICIANS.--NEITHER THE PHYSICIAN WHO ATTENDS THE
23 INDIVIDUAL AT DEATH NOR THE PHYSICIAN WHO DETERMINES THE TIME OF
24 THE INDIVIDUAL'S DEATH MAY PARTICIPATE IN THE PROCEDURES FOR
25 REMOVING OR TRANSPLANTING A VASCULARIZED COMPOSITE ALLOGRAFT.

26 (F) COORDINATION OF PROCUREMENT AND USE.--THE ORGAN
27 PROCUREMENT ORGANIZATION, HOSPITAL PERSONNEL AND OTHER
28 INDIVIDUALS INVOLVED IN THE PROCESS OF RECOVERING A VASCULARIZED
29 COMPOSITE ALLOGRAFT SHALL LIMIT THE TESTING AND EXAMINATION OF
30 THE INDIVIDUAL UNDER THIS SECTION SO AS TO COMPLY WITH THE

1 WISHES OF THE INDIVIDUAL UNDER SUBSECTION (A) (3).

2 § 8659. RIGHTS AND PROTECTIONS FOR CERTAIN INDIVIDUALS.

3 (A) GENERAL RULE.--AN INDIVIDUAL WHO IS IN NEED OF A
4 VASCULARIZED COMPOSITE ALLOGRAFT SHALL NOT BE DEEMED INELIGIBLE
5 TO RECEIVE A VASCULARIZED COMPOSITE ALLOGRAFT SOLELY BECAUSE OF
6 THE INDIVIDUAL'S PHYSICAL OR MENTAL DISABILITY, EXCEPT TO THE
7 EXTENT THAT THE PHYSICAL OR MENTAL DISABILITY HAS BEEN FOUND BY
8 A PHYSICIAN OR SURGEON FOLLOWING AN INDIVIDUALIZED EVALUATION OF
9 THE INDIVIDUAL TO BE MEDICALLY SIGNIFICANT TO THE PROVISION OF
10 THE VASCULARIZED COMPOSITE ALLOGRAFT. IF AN INDIVIDUAL HAS THE
11 NECESSARY SUPPORT SYSTEM TO ASSIST THE INDIVIDUAL IN COMPLYING
12 WITH POSTTRANSPLANT MEDICAL REQUIREMENTS, AN INDIVIDUAL'S
13 INABILITY TO INDEPENDENTLY COMPLY WITH THOSE REQUIREMENTS SHALL
14 NOT BE DEEMED TO BE MEDICALLY SIGNIFICANT.

15 (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM
16 "DISABILITY" SHALL HAVE THE SAME MEANING AS IN THE AMERICANS
17 WITH DISABILITIES ACT OF 1990 (PUBLIC LAW 101-336, 104 STAT.
18 327).

19 § 8660. LAW ON AUTOPSIES APPLICABLE.

20 (A) GENERAL RULE.--SUBJECT TO THE PROVISIONS OF SECTION 8657
21 (RELATING TO GIFT OF VASCULARIZED COMPOSITE ALLOGRAFT FROM
22 DECEDENT WHOSE DEATH IS UNDER INVESTIGATION), THE PROVISIONS OF
23 THIS SUBCHAPTER ARE SUBJECT TO THE LAWS OF THIS COMMONWEALTH
24 PRESCRIBING POWERS AND DUTIES WITH RESPECT TO AUTOPSIES.

25 (B) COPIES OF AUTOPSY REPORTS.--NOTWITHSTANDING 18 PA.C.S.
26 CH. 91 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION), AN
27 ORGAN PROCUREMENT ORGANIZATION IS AUTHORIZED TO OBTAIN A COPY OF
28 AN AUTOPSY REPORT IN A TIMELY FASHION UPON REQUEST AND PAYMENT
29 OF REASONABLE FEES.

30 § 8661. VITAL RECORDS.

1 AN ORGAN PROCUREMENT ORGANIZATION MAY, UPON REQUEST AND
2 PAYMENT OF ASSOCIATED FEES, OBTAIN CERTIFIED COPIES OF DEATH
3 RECORDS OF A DONOR FROM THE DIVISION OF VITAL RECORDS OF THE
4 DEPARTMENT OF HEALTH.

5 § 8662. DONEES AND VASCULARIZED COMPOSITE ALLOGRAFTS.

6 THE FOLLOWING PERSONS MAY BECOME DONEES OF GIFTS OF
7 VASCULARIZED COMPOSITE ALLOGRAFTS FOR ANY OF THE PURPOSES
8 STATED:

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

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

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

18 (4) ANY SPECIFIED INDIVIDUAL FOR THERAPY OR
19 TRANSPLANTATION NEEDED BY THE INDIVIDUAL.

20 (5) THE BOARD.

21 § 8663. DISSEMINATION OF INFORMATION PROHIBITED.

22 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B), NO
23 ORGAN PROCUREMENT ORGANIZATION, EYE BANK OR TISSUE BANK MAY
24 DIVULGE ANY INDIVIDUALLY IDENTIFIABLE INFORMATION ACQUIRED IN
25 THE COURSE OF PERFORMING THE ORGANIZATION'S OR BANK'S
26 RESPONSIBILITIES UNDER THIS CHAPTER EXCEPT FOR THE PURPOSES OF
27 FACILITATING TRANSPLANTATION OF VASCULARIZED COMPOSITE
28 ALLOGRAFTS.

29 (B) DONORS AND RECIPIENTS.--AN ORGAN PROCUREMENT
30 ORGANIZATION, EYE BANK OR TISSUE BANK MAY COMMUNICATE

1 INDIVIDUALLY IDENTIFIABLE INFORMATION OF THE DONOR AND RECIPIENT
2 IF EXPRESSLY AUTHORIZED BY:

3 (1) THE RECIPIENT; AND

4 (2) IF THE DONOR IS ALIVE, THE DONOR, OR, IF THE DONOR
5 IS DECEASED, THE NEXT OF KIN OF THE DONOR.

6 § 8664. PROHIBITED CONDUCT.

7 (A) GENERAL RULE.--AN ORGAN PROCUREMENT ORGANIZATION, AN EYE
8 BANK OR A TISSUE BANK SHALL NOT DO ANY OF THE FOLLOWING WITH
9 RESPECT TO RECOVERY AND TRANSPLANTATION OF VASCULARIZED
10 COMPOSITE ALLOGRAFTS:

11 (1) DISPARAGE THE SERVICES OR BUSINESS OF ANOTHER ORGAN
12 PROCUREMENT ORGANIZATION, EYE BANK OR TISSUE BANK BY FALSE OR
13 MISLEADING REPRESENTATIONS OF FACT.

14 (2) ENGAGE IN FRAUDULENT CONDUCT TO INFLUENCE THE
15 SELECTION BY A HOSPITAL OF AN EYE BANK OR TISSUE BANK.

16 (3) ENGAGE IN UNLAWFUL COMPETITION OR DISCRIMINATION.

17 (B) CONSTRUCTION.--THIS SUBSECTION IS NOT INTENDED TO
18 RESTRICT OR PRECLUDE AN ORGAN PROCUREMENT ORGANIZATION FROM
19 MARKETING OR PROMOTING THE ORGAN PROCUREMENT ORGANIZATION'S
20 SERVICES REGARDING RECOVERY OF VASCULARIZED COMPOSITE ALLOGRAFTS
21 IN THE NORMAL COURSE OF BUSINESS.

22 § 8665. FUNERAL ESTABLISHMENTS.

23 (A) GENERAL RULE.--EXCEPT AS SET FORTH IN SUBSECTION (B), A
24 FUNERAL DIRECTOR OR A FUNERAL ESTABLISHMENT SHALL NOT:

25 (1) REMOVE VASCULARIZED COMPOSITE ALLOGRAFTS FROM A
26 CORPSE;

27 (2) PERMIT OTHERS TO REMOVE VASCULARIZED COMPOSITE
28 ALLOGRAFTS FROM A CORPSE; OR

29 (3) USE FUNERAL ESTABLISHMENT FACILITIES TO REMOVE
30 VASCULARIZED COMPOSITE ALLOGRAFTS FROM A CORPSE.

1 (B) EXCEPTION.--SUBSECTION (A) SHALL NOT APPLY AND REMOVAL
2 IS PERMISSIBLE IF THE REMOVAL IS:

3 (1) NECESSARY TO PERFORM EMBALMING OR OTHER SERVICES IN
4 PREPARATION FOR BURIAL OR CREMATION; AND

5 (2) AUTHORIZED IN WRITING BY A FAMILY MEMBER OR
6 GUARDIAN.

7 § 8666. LIMITATION ON LIABILITY.

8 A PERSON WHO ACTS IN GOOD FAITH IN ACCORDANCE WITH THE
9 PROVISIONS OF THIS SUBCHAPTER SHALL NOT BE SUBJECT TO CRIMINAL
10 OR CIVIL LIABILITY ARISING FROM ANY ACTION TAKEN UNDER THIS
11 SUBCHAPTER. THE CIVIL IMMUNITY PROVIDED BY THIS SECTION SHALL
12 NOT EXTEND TO PERSONS IF DAMAGES RESULT FROM THE GROSS
13 NEGLIGENCE, RECKLESSNESS OR INTENTIONAL MISCONDUCT OF THE
14 PERSON. THE CRIMINAL IMMUNITY PROVIDED BY THIS SECTION SHALL NOT
15 EXTEND TO INTENTIONAL, KNOWING OR RECKLESS CONDUCT.

16 SECTION 11. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

17 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
18 IMMEDIATELY:

19 (I) THIS SECTION.

20 (II) THE ADDITION OF 20 PA.C.S. § 8619(A.1).

21 (III) THE ADDITION OF 20 PA.C.S. § 8621(C)(2).

22 (IV) THE ADDITION OF 20 PA.C.S. § 8626.

23 (V) THE ADDITION OF 20 PA.C.S. § 8628.

24 (VI) THE ADDITION OF 20 PA.C.S. § 8629.

25 (VII) THE ADDITION OF 20 PA.C.S. § 8631.

26 (VIII) THE ADDITION OF 20 PA.C.S. CH. 86 SUBCH. D.

27 (2) THE AMENDMENT OF 20 PA.C.S. § 305(D)(2) SHALL TAKE
28 EFFECT IN 60 DAYS.

29 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT UPON
30 PUBLICATION OF THE NOTICE UNDER 20 PA.C.S. § 8629.