



## SENATE OF PENNSYLVANIA BILL SUMMARY

### Senate Bill 180 Printer's No. 1502

Prime Sponsor: Senator Greenleaf  
Committee: Judiciary

---

#### **SYNOPSIS:**

Amends Title 20 (Probates, Estates and Fiduciaries) to facilitate organ and tissue donation.

#### **SUMMARY:**

##### *Persons Who May Execute Anatomical Gifts*

Provides a list of persons who, in the order of priority stated and only in the absence of known objections from the decedent, may authorize the donation of an anatomical gift. Persons in a subsequent class are contacted only when members of the previous class are not reasonably available.

They are as follows:

- An agent of the decedent
- The spouse of the decedent, unless an action for divorce is pending
- An adult child of the decedent
- A parent of the decedent
- An adult sibling of the decedent
- A guardian of the person of the decedent
- An adult grandchild of the decedent
- A grandparent of the decedent
- Any other person related to the decedent by blood, marriage or adoption, or a person with an established relationship with, and who exhibited special care and concern for, the decedent
- A person authorized or obligated to dispose of the decedent's body

Prohibits a person from executing an anatomical gift from the decedent if, before procedures have begun to prepare for the donation, the District Attorney notifies the organ procurement organization that the person is (1) suspected of causing an injury or illness or condition of the decedent, (2) is the subject of a PFA order issued to the decedent, or (3) is actually under arrest or detention in connection with a condition of the decedent.

Prohibits a donee from accepting an anatomical gift if the donee knows of an objection to the gift by the decedent, by a member of the prior class, or by at least 50% of the same class.

##### *Donees*

Identifies eligible donees according to the purpose of the anatomical gift:

- Research and education: a hospital, medical school, dental school, university, organ procurement organization, or any other appropriate person permitted by law

- Directed donation: the named recipient or, if the gift cannot be transplanted, to the organ procurement organization
- Unknown purpose: the appropriate procurement organization

#### *Manner of Executing a Gift*

Allows a gift to be made by document, including a symbol on a driver's license or identification card. Any person may rely on the document of gift or amendment to the document unless that person knows that it was not validly executed or was revoked.

Prohibits the next-of-kin or other persons from revoking a validly executed document of gift by the decedent.

Allows a person to document a refusal to make an anatomical gift and prohibits any other person from making an anatomical gift if the decedent documented a refusal.

Provides that a donor or donor's estate shall not be liable for injury or damage resulting from the making or use of the anatomical gift.

#### *Procedure*

- A hospital shall notify an organ procurement organization when a person dies or death is imminent so that the procurement organization may determine donor status.
- A coroner or medical examiner shall notify an organ procurement organization in accordance with a mutually agreed upon protocol, unless the decedent was admitted to the hospital at or around the time of death or unless the coroner or medical examiner was notified more than 18 hours after the estimated time of death.
- The procurement organization shall contact the persons listed in this bill as authorized to make an anatomical gift to (1) notify the person of an existing document of gift by the decedent, (2) ask whether the decedent made a document of gift, or (3) notify the person of the absence of a document of gift and advise the person of the option to make an anatomical gift.
- The hospital administrator shall note in the medical record of the decedent whether a document of gift was made or the name of the person granting the gift and that person's relationship to the decedent.
- If a person who dies or whose death is imminent is a prospective donor, the procurement organization may conduct blood or tissue tests or minimally invasive examinations to evaluate the medical suitability of the part that is the subject of the anatomical gift.

- Neither the physician who attends the decedent nor the physician who determines the time of death may participate in the procedures for removing or transplanting the part from the decedent.

#### *Donate Life PA Registry*

Requires the Department of Transportation to store all donor designations in the Donate Life PA Registry. The recorded designations are not public records subject to the Right to Know Law.

#### *Robert P. Casey Memorial Donation Awareness Trust Fund*

Increases from \$1 to \$3 the contribution to the fund that an applicant for a driver's license or for vehicle registration may make. Requires the Fund to reimburse the Department of Transportation for costs incurred in implementing the Fund.

#### *Organ and Tissue Donation Advisory Committee*

Expands the membership of the committee to include the Secretaries of Health, Education, and Transportation; donors, families of recipients, and families of donors; representatives of acute care hospitals; a representative of community health organizations; one elected county coroner; and the Majority Leaders and Minority Leaders of the Senate and the House of Representatives.

Declares that the Department of Health will coordinate activities of all stakeholders to promote organ and tissue donation in Pennsylvania. Requires the Department of Transportation to make available an Internet-based interface for residents 18 years of age or older or residents who hold a driver's license to register as donors.

#### *Deaths Under Investigation*

Requires procurement organizations to notify coroners or medical examiners of a prospective donor and cooperate with the coroner or medical examiner to preserve forensic evidence. Requires, if applicable, that the coroner and procurement organization schedule the recovery procedure in a timeframe that is consistent with anatomical donation. Allows the coroner to attend the recovery procedure in person or, if in-person attendance is not possible, by electronic communication with live visual depiction of the procedure. Clarifies that the coroner or medical examiner has the final authority to allow or disallow an anatomical gift.

#### *Education*

Requires the Department of Education to ensure that information about organ and tissue donation is included in the standards for students in grades 9 through 12. Requires public institutions of higher learning to provide information to its students about the benefits to the health and well-being of society of organ and tissue donation. Requires the State Boards of Medicine, Osteopathic Medicine, and Nursing to promulgate regulations regarding instruction in organ and tissue donation and recovery.

#### **EFFECTIVE DATE:**

Changes involving the Casey Fund are effective immediately. The requirement that the Legislative Budget and Finance Committee conduct a study shall take effect in 90 days. The remainder of the bill becomes effective in 60 days.

**COMMENT:**

This bill is substantially the same as Senate Bill 180, Printer's Number 1808, of the 2015-2016 legislative session. The Senate approved that bill by a vote of 45-3.

**BILL HISTORY:**

None.

Prepared by: Cawley 6/9/2017