

COMMITTEE AMENDMENT ANALYSIS

Bill: Senate Bill 850

Printer's No.: 933

Amendment No.: A04494

Prepared by: Gregg Warner

Summary: This amendment to Senate Bill 850 incorporates recommendations and requests of several stakeholders. The amendment includes the following changes:

1. There is No Presumption of Consent. It has been suggested that Section 8611(b.1) relating to hospital administrators authorizing a gift created the appearance that this is presumed consent legislation. This was never the intent of the Donate Life PA Act, and as such this provision has been removed entirely. Similar concern was expressed with Section 8626 relating to advance directives, which has also been removed in its entirety.
2. Hierarchy of Next of Kin/Decision makers. Stakeholders have suggested that the category of people who could authorize a gift under Section 8611(b)(7) is too broad. In response, that language was changed to reflect the language used in the Uniform Anatomical Gift Act.
3. Ensuring that Families are approached with Sensitivity and Consideration to their Circumstances. A request was made to retain current statutory language relating to sensitivity in notifying families of the donor option and taking into account the deceased individual's religious beliefs. The language has been reincorporated into Section 8617(c)(2) and provides for accountability.
4. Clarifying the Coroner/Medical Examiner Provisions. The amendment also modifies Section 8627 relating to Coroners and Medical Examiners to make clear that those officials retain jurisdiction in all cases (and retain the authority to deny donation) and to provide for organ procurement organization collaboration with the Coroner/Medical Examiner. The changes also clarify that only in cases of organ donation for transplant are those officials or their designee to join recovery surgeons at the hospital before denying organ recovery.
5. PennDOT Modifications. Changes were made to clarify that no new donor registry is being created, including a modification of the definition of "Donate Life PA Registry" in Section 8601, along with other changes requested by PennDOT.
6. Technical changes. Other grammatical/technical changes were made, including a typographical error in Section 8615(e) of SB 850 where duplicative language from Section 8615(d) had been included rather than the correct language distinguishing between a "revocation" of a gift and a "refusal" to make a gift.