

No. 1986-141

AN ACT

HB 90

Amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for anatomical gifts.

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

Section 1. Section 8604 of Title 20 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:

§ 8604. Manner of executing anatomical gifts.

* * *

(d.1) Consent not necessary.—Where a donor card evidencing a gift of the donor's eyes has been validly executed, consent of any person designated in section 8602(b) at the time of the donor's death or immediately thereafter is not necessary to render the gift valid and effective.

* * *

Section 2. Title 20 is amended by adding a section to read:

§ 8608. *Requests for anatomical gifts.*

(a) Procedure.—On or before the occurrence of death in an acute care general hospital, the hospital shall request consent to a gift of all or any part of the decedent's body for any purpose specified under this chapter. The request and its disposition shall be noted in the patient's medical record. Whenever medical criteria establishes that a body or body part donation would not be suitable for use, a request need not be made.

(b) Limitation.—Where the hospital administrator, or his designee, has received actual notice of opposition from any of the persons named in section 8602(b) (relating to persons who may execute an anatomical gift) and the decedent was not in possession of a validly executed donor card, the gift of all or any part of the decedent's body shall not be requested.

(c) Donor card.—Notwithstanding any provision of law to the contrary, the intent of a decedent to participate in an organ donor program as evidenced by the possession of a validly executed donor card shall not be revoked by any member of any of the classes specified in section 8602(b).

(d) Identification of potential donors.—Each acute care general hospital shall develop, with the concurrence of the hospital medical staff, a protocol for identifying potential organ and tissue donors. It shall require that, at or near the time of notification of death, persons designated under section 8602(a) and (b) be asked whether the deceased was an organ donor or if the family is a donor family. If not, such persons shall be informed of the option to donate organs and tissues. Pursuant to this chapter, the hospital shall then notify an organ and tissue procurement organization and cooperate in the procurement of the anatomical gift or gifts. The protocol shall encourage discretion and sensitivity to family circumstances in all discussions

regarding donations of tissue or organs. The protocol shall take into account the deceased individual's religious beliefs or nonsuitability for organ and tissue donation. In the event an organ and tissue procurement organization does not exist in a region, the hospital shall contact an organ or a tissue procurement organization in an alternative region.

(e) Exemption.—The Department of Health is authorized to issue exemptions to any acute care general hospital it deems unable to comply with this section.

(f) Guidelines.—The Department of Health shall establish guidelines regarding efficient procedures facilitating the delivery of anatomical gift donations from receiving hospitals to potential recipients and appropriate training concerning the manner and conduct of employees making requests for anatomical gift donations.

Section 3. This act shall take effect in 60 days.

APPROVED—The 10th day of October, A. D. 1986.

DICK THORNBURGH