

No. 2000-120

## AN ACT

HB 2668

Amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, changing the name of the Organ Donation Awareness Trust Fund to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund.

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

Section 1. Sections 8601, 8617(f), 8621 and 8622 heading and (a) of Title 20 of the Pennsylvania Consolidated Statutes are amended to read:

§ 8601. Definitions.

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

“Acute care general hospital.” Any hospital which has an emergency room facility.

“Advisory committee.” The Organ Donation Advisory Committee established under section 8622 (relating to *The Governor Robert P. Casey Memorial Organ and Tissue* Donation Awareness Trust Fund).

“Bank or storage facility.” A facility licensed, accredited or approved under the laws of any state for storage of human bodies or parts thereof.

“Board.” The Humanity Gifts Registry.

“Decedent.” A deceased individual, including a stillborn infant or fetus.

“Donor.” An individual who makes a gift of all or part of his body.

“Fund.” The *Governor Robert P. Casey Memorial Organ and Tissue* Donation Awareness Trust Fund established under section 8622 (relating to *The Governor Robert P. Casey Memorial Organ and Tissue* Donation Awareness Trust Fund).

“Hospital.” An institution licensed in this Commonwealth having an organized medical staff established for the purpose of providing to inpatients, by or under the supervision of physicians, diagnostic and therapeutic services for the care of persons who are injured, disabled, pregnant, diseased, sick or mentally ill or rehabilitation services for the rehabilitation of persons who are injured, disabled, pregnant, diseased, sick or mentally ill. The term includes facilities for the diagnosis and treatment of disorders within the scope of specific medical specialties. The term does not include facilities caring exclusively for the mentally ill.

“Organ procurement organization.” An organization that meets the requirements of section 371 of the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 273).

“Part.” Organs, tissues, eyes, bones, arteries, blood, other fluids and any other portions of a human body.

“Person.” An individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or any other legal entity.

“Physician” or “surgeon.” A physician or surgeon licensed or authorized to practice under the laws of any state.

“State.” Any state, district, commonwealth, territory, insular possession and any other area subject to the legislative authority of the United States of America.

“Unlawful competition.” Conduct declared unlawful under section 3 of the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law.

§ 8617. Requests for anatomical gifts.

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(f) Guidelines.—

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

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

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

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

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

(a) Driver’s license.—Beginning as soon as practicable, but no later than January 1, 1995, the Department of Transportation shall provide an applicant for an original or renewal driver’s license or identification card the opportunity to make a contribution of \$1 to the fund. The contribution shall be added to the regular fee for an original or renewal driver’s license or identification card. One contribution may be made for each issuance or renewal of a license or identification card. Contributions shall be used exclusively for the purposes set out in section 8622 (relating to *The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund*). 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]

***The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund.***

(b) Vehicle registration.—The Department of Transportation shall provide an applicant for a renewal vehicle registration the opportunity to make a contribution of \$1 to [the] ***The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust 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. 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] ***The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund***. The ***Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund*** shall reimburse the department for the initial costs incurred in the development and implementation of the contribution program under this subsection. The General Fund shall reimburse the Department of Transportation for the actual annual operating costs of the program for vehicle registrations as described in this subsection subject to the following limits: For the first fiscal year during which this subsection is effective, the General Fund shall reimburse the Department of Transportation for the actual operating costs of the program in this subsection up to a maximum of \$100,000. For each fiscal year thereafter, the General Fund shall reimburse the Department of Transportation for the actual operating costs of the program in this subsection in an amount not to exceed the prior year's actual operating costs on a full fiscal year basis plus 3%. The amounts approved by the Governor as necessary are hereby appropriated from the General Fund for this purpose.

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

(a) Establishment.—All contributions received by the Department of Transportation under section 8621 (relating to ***The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund*** contributions) and the Department of Revenue under section 8618 (relating to voluntary contribution system) and the Department of Health under section 8617 (relating to requests for anatomical gifts) shall be deposited into a special fund in the State Treasury to be known as [the] ***The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund***, which is hereby established.

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Section 2. A reference to the Organ Donation Awareness Trust Fund in any other law shall be deemed a reference to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund as if the reference to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund were specifically set forth therein.

Section 3. The Department of Revenue shall continue to use or recycle all forms which contain references to the Organ Donation Awareness Trust Fund for purposes of taxable years ending on or before December 31, 2000. For taxable years beginning on or after January 1, 2001, the Department of Revenue shall use forms which contain references to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund.

Section 4. The Department of Transportation shall continue to use or recycle all forms which contain references to the Organ Donation Awareness Trust Fund until the existing forms are depleted.

Section 5. This act shall take effect immediately.

APPROVED—The 20th day of December, A.D. 2000.

THOMAS J. RIDGE