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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 782 Session of  
2013

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INTRODUCED BY COHEN, HAGGERTY, KORTZ, V. BROWN, HARKINS, TOOHL,  
D. COSTA, MAHONEY, MURT, FABRIZIO, LONGIETTI AND PETRARCA,  
FEBRUARY 25, 2013

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REFERRED TO COMMITTEE ON HUMAN SERVICES, FEBRUARY 25, 2013

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AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the  
2 Pennsylvania Consolidated Statutes, further providing for the  
3 membership of the advisory committee of The Governor Robert  
4 P. Casey Memorial Organ and Tissue Donation Awareness Trust  
5 Fund.

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

8 Section 1. Section 8622 of Title 20 of the Pennsylvania  
9 Consolidated Statutes is amended to read:

10 § 8622. The Governor Robert P. Casey Memorial Organ and Tissue  
11 Donation Awareness Trust Fund.

12 (a) Establishment.--All contributions received by the  
13 Department of Transportation under section 8621 (relating to The  
14 Governor Robert P. Casey Memorial Organ and Tissue Donation  
15 Awareness Trust Fund contributions) and the Department of  
16 Revenue under section 8618 (relating to voluntary contribution  
17 system) and the Department of Health under section 8617  
18 (relating to requests for anatomical gifts) shall be deposited  
19 into a special fund in the State Treasury to be known as The

1 Governor Robert P. Casey Memorial Organ and Tissue Donation  
2 Awareness Trust Fund, which is hereby established.

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

12 (1) 10% of the total fund may be expended annually by  
13 the Department of Health for reasonable hospital and other  
14 medical expenses, funeral expenses and incidental expenses  
15 incurred by the donor or donor's family in connection with  
16 making a vital organ donation. Such expenditures shall not  
17 exceed \$3,000 per donor and shall only be made directly to  
18 the funeral home, hospital or other service provider related  
19 to the donation. No part of the fund shall be transferred  
20 directly to the donor's family, next of kin or estate. The  
21 advisory committee shall develop procedures, including the  
22 development of a pilot program, necessary for effectuating  
23 the purposes of this paragraph.

24 (2) 50% may be expended for grants to certified organ  
25 procurement organizations for the development and  
26 implementation of organ donation awareness programs in this  
27 Commonwealth. The Department of Health shall develop and  
28 administer this grant program, which is hereby established.

29 (3) 15% may be expended by the Department of Health, in  
30 cooperation with certified organ procurement organizations,

1 for the Project-Make-A-Choice program, which shall include  
2 information pamphlets designed by the Department of Health  
3 relating to organ donor awareness and the laws regarding  
4 organ donation, public information and public education about  
5 contributing to the fund when obtaining or renewing a  
6 driver's license and when completing a State individual  
7 income tax return form.

8 (4) 25% may be expended by the Department of Education  
9 for the implementation of organ donation awareness programs  
10 in the secondary schools in this Commonwealth.

11 (c) Advisory committee.--The Organ Donation Advisory  
12 Committee is hereby established, with membership as follows:

13 (1) Two representatives of organ procurement  
14 organizations.

15 (2) Two representatives of tissue procurement providers.

16 (3) Six members representative of organ, tissue and eye  
17 recipients, families of recipients and families of donors.

18 (4) Three representatives of acute care hospitals.

19 (5) One representative of the Department of Health.

20 (6) One representative of eye banks.

21 (7) One representative of federally qualified community  
22 health centers.

23 (8) One representative of the Department of  
24 Transportation.

25 All members shall be appointed by the Governor. Appointments  
26 shall be made in a manner that provides representation of the  
27 northwest, north central, northeast, southwest, south central  
28 and southeast regions of this Commonwealth. Members shall serve  
29 five-year terms. The Governor may reappoint advisory committee  
30 members for successive terms. Members of the advisory committee

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

18 (d) Reports.--The Department of Health and the Department of  
19 Education shall submit an annual report to the General Assembly  
20 on expenditures of fund moneys and any progress made in reducing  
21 the number of potential donors who were not identified.

22 (e) Definition.--As used in this section, the term "vital  
23 organ" means a heart, lung, liver, kidney, pancreas, small  
24 bowel, large bowel or stomach for the purpose of  
25 transplantation.

26 Section 2. This act shall take effect in 60 days.