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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 849 Session of  
2017

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INTRODUCED BY GREENLEAF, MARTIN, WARD, RAFFERTY, BOSCOLA, YAW,  
BROWNE AND RESCHENTHALER, AUGUST 29, 2017

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REFERRED TO JUDICIARY, AUGUST 29, 2017

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in particular rights and  
3 immunities, providing for certain immunity for hospitals that  
4 donate medicine, medical supplies and equipment in good faith  
5 for humanitarian assistance.

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

8 Section 1. Title 42 of the Pennsylvania Consolidated  
9 Statutes is amended by adding a section to read:

10 § 8338.2. Liability for damages from donated medicine, medical  
11 supplies and equipment for humanitarian assistance.

12 (a) General rule.--A hospital is not subject to civil  
13 liability arising from the nature or condition of medicine,  
14 medical supplies and equipment which were reasonably believed to  
15 be in good condition and donated by the hospital in good faith  
16 for humanitarian assistance.

17 (b) Nonapplicability.--This section does not apply to an  
18 injury or death to a person that results from an act or omission  
19 of a hospital constituting gross negligence, recklessness or

1 intentional misconduct.

2 (c) Construction.--This section shall not be construed as  
3 establishing any liability.

4 (d) Definitions.--As used in this section, the following  
5 words and phrases shall have the meanings given to them in this  
6 subsection:

7 "Donate." To give or distribute without requiring anything  
8 of monetary value from the ultimate recipient.

9 "Hospital." An entity licensed as a hospital under the act  
10 of June 13, 1967 (P.L.31, No.21), known as the Human Services  
11 Code, or the act of July 19, 1979 (P.L.130, No.48), known as the  
12 Health Care Facilities Act.

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