

HOUSE BILL No. 4349

February 27, 2001, Introduced by Reps. Stallworth and Lemmons and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 10102, 10102a, and 10103 (MCL 333.10102, 333.10102a, and 333.10103), section 10102a as added by 1986 PA 186.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10102. (1) An individual of sound mind and 18 years of
2 age or more may give all or any physical part of the individual's
3 body TO A PERSON OR ENTITY for ~~any~~ A purpose specified in sec-
4 tion 10103, INCLUDING, BUT NOT LIMITED TO, A HOSPITAL THAT IS A
5 LOCAL OR REGIONAL ORGAN TRANSPLANTATION CENTER FOR THE PURPOSE OF
6 TRANSPLANTATION, the gift to take effect upon death.

7 (2) Any of the following persons, in order of priority
8 stated, ~~when~~ IF persons in prior classes are not available at
9 the time of death, and in the absence of actual notice of

1 contrary indications by the decedent or actual notice of
2 opposition by a member of the same or a prior class, may give all
3 or any physical part of the decedent's body for ~~any~~ A purpose
4 specified in section 10103:

5 (a) The spouse OF THE DECEDENT.

6 (b) An adult son or daughter OF THE DECEDENT.

7 (c) Either parent OF THE DECEDENT.

8 (d) An adult brother or sister OF THE DECEDENT.

9 (e) A guardian of the person of the decedent at the time of
10 the death.

11 (f) Any other person authorized or under obligation to dis-
12 pose of the body.

13 (3) If the donee has actual notice of contrary indications
14 by the decedent or that a gift by a member of a class SPECIFIED
15 IN SUBSECTION (2) is opposed by a member of the same or a prior
16 class, the donee shall not accept the gift. The persons autho-
17 rized by subsection (2) may make the gift after or immediately
18 before death.

19 (4) A gift of all or a physical part of a body MADE UNDER
20 THIS SECTION authorizes any examination necessary to assure medi-
21 cal acceptability of the gift for the purposes intended.

22 (5) The rights of the donee created by the gift MADE UNDER
23 THIS SECTION are paramount to the rights of others except as pro-
24 vided by section 10108(4).

25 Sec. 10102a. (1) Subject to section 10102(3) and subsec-
26 tions (2) to (7), the person designated pursuant to subsection
27 (7) shall, at or near the death of a patient whose body,

1 according to accepted medical standards, is suitable for donation
2 or for the donation of physical parts, request 1 of the persons
3 listed in section 10102(2), in the order of priority stated, to
4 consent to the gift of all or any physical part of the decedent's
5 body. THE PERSON MAKING THE REQUEST MAY PROVIDE THE PERSON TO
6 WHOM THE REQUEST IS MADE OR A PATIENT WITH A DOCUMENT OF GIFT
7 THAT MEETS THE REQUIREMENTS OF SECTION 10104.

8 (2) The person designated pursuant to subsection (7) shall
9 not make a request for consent pursuant to subsection (1) if 1 or
10 more of the following conditions exist:

11 (a) The person designated pursuant to subsection (7) has
12 actual notice of contrary indications by the patient or
13 decedent.

14 (b) The person designated pursuant to subsection (7) has
15 actual notice of opposition by a person listed in section
16 10102(2) unless a person in a prior class under that section is
17 available for a request to be made.

18 (c) The person designated pursuant to subsection (7) has
19 knowledge that the gift of all or a physical part of a body is
20 contrary to the religious beliefs of the decedent.

21 (3) Each hospital shall maintain a hospital organ donation
22 log sheet on a form provided by the department. The organ dona-
23 tion log sheet shall include all of the following information:

24 (a) The name and age of the patient or decedent for whom a
25 request is made pursuant to this section.

1 (b) A list of patients or decedents for whom a request was
2 not made pursuant to this section and the reason for not making
3 the request, as set forth in subsection (2).

4 (c) An indication that a request for consent to a gift of
5 all or a physical part of a body has been made.

6 (d) An indication of whether or not consent was granted.

7 (e) If consent was granted, an indication of which physical
8 parts of the body were donated, or whether the entire body was
9 donated.

10 (f) The name and signature of the person making the
11 request.

12 (4) After making a request for a gift pursuant to subsection
13 (1), the person designated pursuant to subsection (7) shall com-
14 plete the hospital's organ donation log sheet.

15 (5) A summary of the information contained in the organ
16 donation log sheets annually shall be transmitted by each hospi-
17 tal to the department OF CONSUMER AND INDUSTRY SERVICES. The
18 summary shall include all of the following:

19 (a) The number of deaths.

20 (b) The number of requests made.

21 (c) The number of consents granted.

22 (d) The number of bodies or physical parts donated in each
23 category as specified on the organ donation log sheet.

24 (6) A gift made pursuant to a request required by this sec-
25 tion shall be executed pursuant to this part.

26 (7) The chief executive officer of each hospital shall
27 develop and implement a policy regarding requests made pursuant

1 to this section. The policy shall provide, at a minimum, for all
2 of the following:

3 (a) The designation of 1 OR MORE persons who shall make
4 requests under this section.

5 (b) That if a patient's religious preference is known, a
6 clergy of that denomination shall, if possible, be made available
7 upon request to the persons to whom a request under this section
8 is made.

9 (c) The development of a support system ~~which~~ THAT facili-
10 tates the making of requests under this section.

11 (d) The maintenance of the organ donation log sheet required
12 by subsection (3).

13 (8) The director may promulgate rules to establish minimum
14 training standards for persons required to make requests pursuant
15 to this section and to revise the organ donation log sheet
16 required by subsection (3).

17 (9) This section ~~shall~~ DOES not ~~be construed to~~ autho-
18 rize the withdrawal or withholding of medical care for a patient
19 who is a possible donor and who is near death.

20 Sec. 10103. The following persons may become donees of
21 gifts of bodies or physical parts ~~thereof~~ OF BODIES MADE UNDER
22 SECTION 10102 for the purposes stated:

23 (a) ~~Any~~ A hospital, surgeon, or physician for medical or
24 dental education, research, advancement of medical or dental
25 science, therapy, or transplantation. IF A HOSPITAL BECOMES A
26 DONEE OF A PHYSICAL PART FOR TRANSPLANTATION PURPOSES BUT DOES
27 NOT HAVE A PATIENT WHO NEEDS SUCH A TRANSPLANT, THE HOSPITAL

1 SHALL OFFER THE PHYSICAL PART TO THE FEDERALLY DESIGNATED ORGAN
2 PROCUREMENT ORGANIZATION IN WHOSE SERVICE AREA THE HOSPITAL IS
3 LOCATED.

4 (b) Any accredited medical or dental school, college, or
5 university for education, research, advancement of medical or
6 dental science, or therapy.

7 (c) Any bank or storage facility for medical or dental edu-
8 cation, research, advancement of medical or dental science, ther-
9 apy, or transplantation, INCLUDING, BUT NOT LIMITED TO, THE FED-
10 ERALLY DESIGNATED ORGAN PROCUREMENT ORGANIZATION IN WHOSE SERVICE
11 AREA THE GIFT WAS MADE.

12 (d) Any specified individual for therapy or transplantation
13 needed by that individual.

14 (e) Any approved or accredited school of optometry, nursing,
15 or veterinary medicine.