



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5836 (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Representative Bruce Caswell

House Committee: Judiciary

Senate Committee: Judiciary

CONTENT

The bill would amend the Public Health Code to refer to the person with authority under Section 3206 of the Estates and Protected Individuals Code (proposed by House Bill 4870), rather than the next of kin, specific relatives, or a special administrator appointed by the probate court, in provisions of the Public Health Code that do the following:

- Require an official of a public institution or a State or local officer in charge of an unclaimed body to use due diligence to notify the relatives of the deceased.
- Provide that an unclaimed body is subject to identification and claim by an authenticated relative of the deceased or a special administrator appointed by the probate court, during the period the body is held after being assigned for scientific or educational purposes.
- Prohibit an autopsy from being performed except by a physician who has been granted consent by whichever one of specified individuals assumes custody of the body for purposes of burial.
- Provide that if a donee (under the uniform anatomical gifts Act) accepts a gift of the entire body, the surviving spouse, next of kin, or other person having authority to arrange for the disposition of the body may authorize embalming and the use of the body in funeral services.
- Provide that, if the gift is a physical part of the body, custody of the remainder vests in the surviving spouse, next of kin, or other person having authority to arrange for disposition of the remainder of the body.

The bill also would delete various references to the Anatomy Board and refer instead to the Department of Community Health (DCH); allow the DCH to designate Michigan State University, Wayne State University, or the University of Michigan to perform the responsibilities currently granted to the Anatomy Board; and repeal Section 2651 of the Code, which provided for the creation, appointment, and operation of the Anatomy Board, and Section 2661, which addresses autopsies upon unclaimed bodies required to be delivered to the Anatomy Board.

The bill is tie-barred to House Bill 4870, which would add Section 3206 to the Estates and Protected Individuals Code to establish an order of priority for identifying who would have the rights and powers to make decisions about a decedent's body.

MCL 333.2652 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 6-28-06

Fiscal Analyst: David Fosdick