

SUBSTITUTE FOR
HOUSE BILL NO. 5836

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2652, 2653, 2655, 2658, 2663, 2851, 2855, and
10108 (MCL 333.2652, 333.2653, 333.2655, 333.2658, 333.2663,
333.2851, 333.2855, and 333.10108), section 2851 as added by 1996
PA 284, section 2855 as amended by 1982 PA 3, and section 10108 as
amended by 1986 PA 186; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2652. The ~~anatomy board~~ **DEPARTMENT** shall receive dead
2 human bodies, or parts ~~thereof~~ **OF DEAD HUMAN BODIES**, designated
3 for scientific uses and allocate the bodies or parts to hospitals
4 and educational institutions requiring them for use in medical
5 instruction or for the purpose of instruction, study, and use in
6 the promotion of education in the health sciences ~~within~~ **IN** this
7 state. The ~~anatomy board~~ **DEPARTMENT** shall keep permanent records

1 of the receipt and disposition of dead bodies and parts.

2 Sec. 2653. (1) As used in sections ~~2651~~ **2652** to 2663,
3 "unclaimed body" means a dead human body for which the deceased has
4 not provided a disposition, **FOR WHICH** an estate or assets to defray
5 costs of burial do not exist, and ~~the body~~ **THAT** is not claimed
6 for burial by a person, relative, or court appointed fiduciary who
7 has the right to control disposition of the body.

8 (2) An official of a public institution or a state or local
9 officer in charge or control of an unclaimed body which would have
10 to be buried at public expense shall use due diligence to notify
11 the ~~relatives of the deceased. In the absence of any known~~
12 ~~relative of the deceased or a special administrator of the estate~~
13 ~~of the deceased appointed by the probate court desiring~~ **PERSONS**
14 **WITH AUTHORITY TO CONTROL THE INTERMENT OR DISPOSITION OF THE**
15 **UNCLAIMED BODY UNDER SECTION 3206 OF THE ESTATES AND PROTECTED**
16 **INDIVIDUALS CODE, 1998 PA 386, MCL 700.3206. IF THERE IS NO PERSON**
17 **UNDER SECTION 3206 OF THE ESTATES AND PROTECTED INDIVIDUALS CODE,**
18 **1998 PA 386, MCL 700.3206,** to direct the disposition of the
19 unclaimed body in a manner other than provided by **THIS SECTION AND**
20 sections ~~2653~~ **2655** to 2659, the unclaimed body shall become
21 available to the ~~anatomy board~~ **DEPARTMENT**. Upon written request
22 by the ~~anatomy board~~ **DEPARTMENT** for notification concerning
23 unclaimed bodies coming under his or her jurisdiction, the officer,
24 for the definite period specified in the request of the ~~anatomy~~
25 ~~board~~ **DEPARTMENT**, shall notify ~~a member of the anatomy board~~ **THE**
26 **DEPARTMENT** by ~~telegraph or~~ telephone, **FACSIMILE, OR ELECTRONIC**
27 **MAIL** immediately following 72 hours after death, excluding Sundays

1 and holidays, stating, when possible, the name, age, sex, religion,
2 and cause of death of the deceased, and shall release the body
3 according to the regulations or instructions of the ~~anatomy board~~
4 **DEPARTMENT**.

5 (3) If the deceased was a member of a religious faith
6 maintaining a benevolent association ~~which~~ **THAT** will provide for
7 the burial of the deceased in accordance with the tenets of the
8 religion, the ~~anatomy board~~ **DEPARTMENT** shall notify the
9 benevolent association of the death of the deceased by telephone,
10 ~~or telegram collect~~ **FACSIMILE, OR ELECTRONIC MAIL**, and shall
11 surrender the body to the benevolent association upon request.

12 Sec. 2655. An unclaimed body retained by the ~~anatomy board~~
13 **DEPARTMENT** for scientific or educational purposes shall be embalmed
14 and disposed of in accordance with standards adopted under section
15 2678. The unclaimed body shall be held for 30 days by the person to
16 whom it has been assigned for scientific or educational purposes.
17 The body is subject during this period to identification and claim
18 by an authenticated ~~relative of the deceased or a special~~
19 ~~administrator appointed by the probate court of the deceased's~~
20 ~~estate~~ **PERSON WITH AUTHORITY OVER THE BODY UNDER SECTION 3206 OF**
21 **THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL**
22 **700.3206**, for the purpose of interment or other disposition in
23 accordance with the directions of ~~the relative or special~~
24 ~~administrator~~ **THAT PERSON**.

25 Sec. 2658. A person, unless specifically authorized by law,
26 shall not hold a postmortem examination of an unclaimed body
27 without the express permission of the ~~anatomy board~~ **DEPARTMENT**.

1 When, through the failure of a person to notify the ~~anatomy board~~
2 **DEPARTMENT** or promptly to release an unclaimed body as required by
3 the ~~anatomy board~~ **DEPARTMENT**, the body becomes unfit for
4 scientific or educational purposes, the ~~anatomy board~~ **DEPARTMENT**
5 shall so certify, and the unclaimed body shall be interred at the
6 expense of those responsible for the noncompliance.

7 Sec. 2663. A person who unlawfully disposes, uses, or sells an
8 unclaimed body or who violates sections ~~2651~~ **2652** to 2661 is
9 guilty of a misdemeanor.

10 Sec. 2851. (1) Subject to any other provision of this part, a
11 person who has authority to make arrangements for a dead human body
12 under ~~this part~~ **SECTION 3206 OF THE ESTATES AND PROTECTED**
13 **INDIVIDUALS CODE, 1998 PA 386, MCL 700.3206**, also has authority to
14 request a permit for the disinterment of a dead human body under
15 section 2853 notwithstanding the lack of consent of, or 1 or more
16 objections of, a person who owns or possesses ownership rights over
17 the place of repose. A person who owns or possesses ownership
18 rights over the place of repose shall not bear any cost associated
19 with the disinterment unless that person initiates the disinterment
20 or is otherwise legally obligated for the costs of the
21 disinterment.

22 (2) This section does not void or otherwise affect a gift made
23 pursuant to part 101.

24 Sec. 2855. (1) An autopsy shall not be performed upon the body
25 of a deceased individual except by a physician who has been granted
26 written consent to perform the autopsy by ~~whichever 1 of the~~
27 ~~following individuals assumes custody of the body for purposes of~~

1 ~~burial: parent, surviving spouse, guardian, or next of kin of the~~
2 ~~deceased individual or by an individual charged by law with the~~
3 ~~responsibility for burial of the body. If 2 or more of those~~
4 ~~individuals assume custody of the body, the consent of 1 is~~
5 ~~sufficient.~~ **THE PERSON WITH AUTHORITY OVER THE BURIAL OR**
6 **DISPOSITION OF THE BODY UNDER SECTION 3206 OF THE ESTATES AND**
7 **PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.3206.** This section
8 ~~shall~~ **DOES** not prevent the ordering of an autopsy by a medical
9 examiner or a local health officer.

10 (2) This section ~~shall~~ **DOES** not apply to a department of
11 anatomy in a school of medicine in this state ~~—~~ or to an autopsy,
12 postmortem, or dissection performed pursuant to and under the
13 authority of any other law.

14 (3) A local health officer may order an autopsy if necessary
15 to carry out the functions vested in a local health department by
16 this code.

17 (4) A physician, including a medical examiner, performing an
18 autopsy pursuant to subsection (1), (2), or (3) may remove, retain,
19 or use the pituitary gland of the deceased individual if the
20 removal, retention, or use of the pituitary gland is for purposes
21 of medical research, education, or therapy, and the physician is
22 unaware of any direction made by the deceased individual before
23 death or of an objection made by the next of kin of the deceased
24 individual that a part of the deceased individual's body not be
25 removed.

26 (5) If consent for the performance of the autopsy is required
27 pursuant to subsection (1), the physician shall obtain consent from

1 the same individual for the removal, retention, or use of the
2 pituitary gland of the deceased individual pursuant to subsection
3 (4).

4 (6) Except for a reasonable charge related to the actual costs
5 incurred and incident to removing and handling the pituitary gland,
6 the removed pituitary gland shall be submitted, without charge, to
7 hospitals, medical education or research institutions, or to
8 individuals or organizations for the purpose of treating another
9 human being. The hospital, medical education or research
10 institution, or other individual or organization receiving the
11 gland shall agree to furnish the gland, or a hormone produced from
12 the gland, without charge.

13 Sec. 10108. (1) The donee may accept or reject the gift. If
14 the donee accepts a gift of the entire body, the ~~surviving spouse,~~
15 ~~next of kin, or other persons having~~ **PERSON WITH** authority to
16 direct and arrange for the funeral and burial or other disposition
17 of the body **UNDER SECTION 3206 OF THE ESTATES AND PROTECTED**
18 **INDIVIDUALS CODE, 1998 PA 386, MCL 700.3206**, subject to the terms
19 of the gift, may authorize embalming and the use of the body in
20 funeral services. If the gift is a physical part of the body, the
21 donee, upon the death of the donor and prior to embalming, shall
22 cause the physical part to be removed without unnecessary
23 mutilation. After removal of the physical part, custody of the
24 remainder of the body vests in the ~~surviving spouse, next of kin,~~
25 ~~or such other persons having~~ **PERSON WITH** authority to direct and
26 arrange for the funeral and burial or other disposition of the
27 remainder of the body **UNDER SECTION 3206 OF THE ESTATES AND**

1 **PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.3206.** The holder
2 of a license for the practice of mortuary science under article 18
3 of the occupational code, ~~Act No. 299 of the Public Acts of 1980,~~
4 ~~being sections 339.1801 to 339.1812 of the Michigan Compiled Laws~~
5 **1980 PA 299, MCL 339.1801 TO 339.1812,** who acts pursuant to the
6 directions of persons alleging to have authority to direct and
7 arrange for the funeral and burial or other disposition of the
8 remainder of the body, is relieved of any liability for the funeral
9 and for the burial or other disposition of the remainder of the
10 body. A holder of a license for the practice of mortuary science
11 under that act may rely on the instructions and directions of any
12 person alleging to be either a donee or a person authorized under
13 this part to donate a body or any physical part thereof. A holder
14 of a license for the practice of mortuary science under that act is
15 not liable for removal of any physical part of a body donated under
16 this part.

17 (2) The time of death shall be determined by a physician who
18 attends the donor at the death, or, if none, the physician who
19 certifies the death. The attending or certifying physician shall
20 not participate in the procedures for removing or transplanting a
21 physical part.

22 (3) A person, including a hospital, who acts in good faith in
23 accord with the terms of this part or with the anatomical gift laws
24 of another state or a foreign country is not liable for damages in
25 any civil action or subject to prosecution in any criminal
26 proceeding for the act.

27 (4) This part is subject to the laws of this state prescribing

1 powers and duties with respect to autopsies.

2 Enacting section 1. Sections 2651 and 2661 of the public
3 health code, 1978 PA 368, MCL 333.2651 and 333.2661, are repealed.

4 Enacting section 2. This amendatory act does not take effect
5 unless House Bill No. 4870 of the 93rd Legislature is enacted into
6 law.