

HOUSE BILL No. 4990

September 17, 2013, Introduced by Rep. Kurtz and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2652, 2653, 2655, 2656, 2658, and 2659 (MCL
333.2652, 333.2653, 333.2655, 333.2656, 333.2658, and 333.2659),
sections 2652, 2653, 2655, and 2658 as amended by 2006 PA 301, and
by adding section 2652a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2652. (1) The department shall receive dead human bodies
2 ~~—or parts of dead human bodies —~~**THAT ARE** designated for
3 ~~scientific uses and~~**USE IN THIS STATE OR THAT ARE REFERRED TO IT BY**
4 **THE MEDICAL EXAMINER UNDER SECTION 2653. THE DEPARTMENT SHALL**
5 allocate the bodies or parts **DESCRIBED IN THIS SUBSECTION** to
6 hospitals and educational institutions ~~requiring~~**THAT REQUIRE** them
7 for use in medical instruction or for the purpose of instruction,

study, and use in the promotion of education in the health sciences in this state. The department shall keep permanent records of the receipt, ~~and disposition~~ **ALLOCATION, AND FINAL DISPOSITION** of dead **HUMAN** bodies and parts **OF DEAD HUMAN BODIES UNDER THIS SECTION.**

(2) The department may designate Michigan state university, Wayne state university, ~~or the university of Michigan,~~ **OR AN ORGAN PROCUREMENT ORGANIZATION** to perform the duties and responsibilities of this section and sections 2653 to 2663. **AS USED IN THIS SUBSECTION, "ORGAN PROCUREMENT ORGANIZATION" MEANS THAT TERM AS DEFINED IN SECTION 10102.**

(3) ~~A-IF DESIGNATED UNDER SUBSECTION (2), A university designated under subsection (2) may~~ **OR ORGANIZATION SHALL** exercise all of the powers of the department contained in this section and sections 2653 to 2663. ~~as delegated by the department.~~

SEC. 2652A. (1) A COUNTY MEDICAL EXAMINER APPOINTED UNDER 1953 PA 181, MCL 52.201 TO 52.216, SHALL ISSUE A REQUEST FOR PROPOSALS TO APPLY TO BECOME A PREFERRED PROVIDER UNDER THIS PART FOR THE COUNTY OR COUNTIES UNDER THE MEDICAL EXAMINER'S JURISDICTION. TO BE A PREFERRED PROVIDER UNDER THIS PART, THE ENTITY MUST BE A FUNERAL ESTABLISHMENT LICENSED UNDER ARTICLE 18 OF THE OCCUPATIONAL CODE, 1980 PA 299, MCL 339.1801 TO 339.1812. BY 60 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION AND EVERY 3 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE COUNTY MEDICAL EXAMINER SHALL NOTIFY THE DEPARTMENT OF ALL ENTITIES THAT ARE APPROVED TO BE A PREFERRED PROVIDER UNDER THIS SECTION FOR THE COUNTY OR COUNTIES UNDER THE MEDICAL EXAMINER'S JURISDICTION.

1 (2) BY 120 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
2 THAT ADDED THIS SECTION, THE DEPARTMENT SHALL ESTABLISH OR CONTRACT
3 TO ESTABLISH THE UNCLAIMED BODY PROGRAM UNDER THIS SECTION. THE
4 DEPARTMENT SHALL ENSURE THAT THE UNCLAIMED BODY PROGRAM DOES ALL OF
5 THE FOLLOWING:

6 (A) FACILITATES THE EFFICIENT TRANSFER AND PROPER FINAL
7 DISPOSITION OF UNCLAIMED BODIES IN THIS STATE.

8 (B) REFERS UNCLAIMED BODIES SUITABLE FOR INSTRUCTION, STUDY,
9 OR USE FOR ALLOCATION TO HOSPITALS AND EDUCATIONAL INSTITUTIONS AS
10 PROVIDED IN SECTION 2652(1) .

11 (C) IF AN UNCLAIMED BODY IS NOT SUITABLE FOR INSTRUCTION OR
12 STUDY OR IS DECLINED FOR USE AS PROVIDED IN SUBDIVISION (B) ,
13 FACILITATES THE TRANSFER OF THAT UNCLAIMED BODY TO A PREFERRED
14 PROVIDER UNDER THIS SECTION FOR FINAL DISPOSITION.

15 (D) PROVIDES NOTICE TO THE DEPARTMENT OF HUMAN SERVICES
16 WHETHER AN UNCLAIMED BODY IS REFERRED FOR INSTRUCTION, STUDY, OR
17 USE UNDER SUBDIVISION (B) OR IS TRANSFERRED TO A PREFERRED PROVIDER
18 UNDER SUBDIVISION (C) .

19 (3) AN ENTITY APPROVED TO BE A PREFERRED PROVIDER UNDER THIS
20 SECTION SHALL HANDLE UNCLAIMED BODIES AND SUPERVISE THE FINAL
21 DISPOSITION OF UNCLAIMED BODIES IN THIS STATE FOR A COST OF NO MORE
22 THAN THE AMOUNT PAID BY THE DEPARTMENT OF HUMAN SERVICES FOR THAT
23 DISPOSITION.

24 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
25 COUNTY MEDICAL EXAMINER SHALL ALLOCATE UNCLAIMED BODIES TO
26 PREFERRED PROVIDERS IN THE COUNTY OR COUNTIES UNDER HIS OR HER
27 JURISDICTION ON A ROTATIONAL BASIS. IF DETERMINED APPROPRIATE BY

1 THE COUNTY MEDICAL EXAMINER FOR THE EFFICIENT AND EFFECTIVE
2 ADMINISTRATION OF THE UNCLAIMED BODY PROGRAM IN HIS OR HER
3 JURISDICTION, THE COUNTY MEDICAL EXAMINER MAY ALLOCATE AN UNCLAIMED
4 BODY TO A PREFERRED PROVIDER REGARDLESS OF ITS LOCATION IN THE
5 ROTATION.

6 (5) THE COUNTY MEDICAL EXAMINER MAY APPLY FOR ASSISTANCE FROM
7 THE DEPARTMENT OF HUMAN SERVICES TO IMPLEMENT THE REQUIREMENTS OF
8 THIS SECTION AND SECTION 2653.

9 (6) THE COUNTY MEDICAL EXAMINER'S DESIGNATION OF A DECEDENT'S
10 BODY AS AN UNCLAIMED BODY UNDER SECTION 2653 MAY BE RELIED UPON BY
11 THE PREFERRED PROVIDER HANDLING THE UNCLAIMED BODY AND SUPERVISING
12 ITS FINAL DISPOSITION AND BY THE CEMETERY OR CREMATORY CONDUCTING
13 THE FINAL DISPOSITION.

14 (7) A COUNTY MEDICAL EXAMINER, A PREFERRED PROVIDER, A FUNERAL
15 DIRECTOR, A DESIGNATED HOSPITAL OR EDUCATIONAL INSTITUTION, OR A
16 CEMETERY OR CREMATORY IS NOT LIABLE FOR DAMAGES ARISING OUT OF HIS
17 OR HER OR ITS ACTIONS TAKEN IN AN EFFORT TO COMPLY WITH THIS
18 SECTION AND SECTION 2653.

19 (8) IF THE FINAL DISPOSITION OF AN UNCLAIMED BODY IS
20 CREMATION, THE PREFERRED PROVIDER MAY PROVIDE FOR A PROPER
21 DISPOSITION OF THE CREMATED REMAINS SUBJECT TO THE REQUIREMENTS OF
22 SECTION 1809A OF THE OCCUPATIONAL CODE, 1980 PA 299, MCL 339.1809A.

23 (9) AN ENTITY APPROVED TO BE A PREFERRED PROVIDER UNDER THIS
24 SECTION SHALL MAINTAIN ITS ACTIVE ESTABLISHMENT LICENSE UNDER
25 SECTION 1806 OF THE OCCUPATIONAL CODE, 1980 PA 299, MCL 339.1806,
26 TO MAINTAIN ITS ELIGIBILITY AS A PREFERRED PROVIDER UNDER THIS
27 SECTION. ANY CHANGE IN STATUS OF THAT LICENSE REVOKES THAT

1 LICENSEE'S PREFERRED PROVIDER DESIGNATION UNTIL SUCH TIME AS THE
2 PROVIDER IS REDESIGNATED AS A PREFERRED PROVIDER UNDER THIS
3 SECTION.

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

11 (2) ~~An~~**A PERSON, INCLUDING AN** official of a public institution
12 or a state or local officer, **WHO IS** in charge or control of ~~an~~**A**
13 **PRESUMED** unclaimed body ~~which would have to be buried at public~~
14 ~~expense shall use due diligence to notify the persons with~~
15 ~~authority to control the interment or disposition of the unclaimed~~
16 ~~body under~~**SHALL REFER THE MATTER TO THE COUNTY MEDICAL EXAMINER.**
17 **THE COUNTY MEDICAL EXAMINER SHALL ASCERTAIN, IN COOPERATION WITH**
18 **THE REFERRING PERSON, WHETHER THE DECEDENT'S BODY SHOULD BE**
19 **DESIGNATED AS AN UNCLAIMED BODY. UPON REFERRAL, THE COUNTY MEDICAL**
20 **EXAMINER SHALL MAKE A REASONABLE ATTEMPT IN GOOD FAITH TO LOCATE AN**
21 **INDIVIDUAL WHO HAS THE AUTHORITY TO MAKE DECISIONS REGARDING**
22 **FUNERAL ARRANGEMENTS AND THE HANDLING AND DISPOSITION OF THE**
23 **DECEDENT'S BODY, AS PROVIDED IN** section 3206 of the estates and
24 protected individuals code, 1998 PA 386, MCL 700.3206, ~~-. If there~~
25 ~~is no person under section 3206 of the estates and protected~~
26 ~~individuals code, 1998 PA 386, MCL 700.3206, to direct the~~
27 ~~disposition of the unclaimed body in a manner other than provided~~

1 ~~by this section and sections 2655 to 2659, the unclaimed body shall~~
2 ~~become available to the department. Upon written request by the~~
3 ~~department for notification concerning unclaimed bodies coming~~
4 ~~under his or her jurisdiction, the officer, for the definite period~~
5 ~~specified in the request of the department, shall notify the~~
6 ~~department by telephone, facsimile, or electronic mail immediately~~
7 ~~following 72 hours after death, excluding Sundays and holidays,~~
8 ~~stating, when possible, the name, age, sex, religion, and cause of~~
9 ~~death of the deceased, and shall release the body according to the~~
10 ~~regulations or instructions of the department.~~ INCLUDING A

11 REASONABLE ATTEMPT IN GOOD FAITH TO DETERMINE IF THE DECEDENT IS
12 ELIGIBLE FOR PAYMENT OF FUNERAL AND BURIAL EXPENSES AS AN HONORABLY
13 DISCHARGED MEMBER OF THE ARMED FORCES OF THE UNITED STATES. IF
14 AFTER CONDUCTING THAT REASONABLE ATTEMPT THE MEDICAL EXAMINER IS
15 UNABLE TO LOCATE AN INDIVIDUAL WITH FINAL DISPOSITION AUTHORITY,
16 THE MEDICAL EXAMINER SHALL DESIGNATE THE DECEDENT'S BODY AS AN
17 UNCLAIMED BODY.

18 (3) IF THE DECEASED IS AN HONORABLY DISCHARGED MEMBER OF THE
19 ARMED FORCES OF THE UNITED STATES, THE MEDICAL EXAMINER SHALL
20 NOTIFY AND SURRENDER THE BODY TO THE APPROPRIATE PERSONNEL. If the
21 deceased was a member of a religious faith maintaining a benevolent
22 association that will provide for the burial of the deceased ~~in~~
23 ~~accordance with~~ PURSUANT TO the tenets of the religion, the
24 ~~department~~ MEDICAL EXAMINER shall notify the benevolent association
25 of the death of the deceased by telephone, facsimile, or electronic
26 mail, and shall surrender the body to the benevolent association
27 upon request.

(4) SUBJECT TO SUBSECTION (5) AND IN COMPLIANCE WITH THE UNCLAIMED BODY PROGRAM ESTABLISHED UNDER SECTION 2652A, A MEDICAL EXAMINER MAY REFER AN UNCLAIMED BODY SUITABLE FOR INSTRUCTION, STUDY, OR USE FOR ALLOCATION TO A HOSPITAL OR EDUCATIONAL INSTITUTION AS PROVIDED IN SECTION 2652(1). SUBJECT TO SUBSECTION (5) AND IN COMPLIANCE WITH THE UNCLAIMED BODY PROGRAM ESTABLISHED UNDER SECTION 2652A, IF A BODY DESIGNATED AS AN UNCLAIMED BODY UNDER SUBSECTION (2) IS NOT SUITABLE FOR INSTRUCTION, STUDY, OR USE BY A HOSPITAL OR EDUCATIONAL INSTITUTION UNDER SECTION 2652, THE MEDICAL EXAMINER SHALL REFER THE UNCLAIMED BODY TO A PREFERRED PROVIDER FOR FINAL DISPOSITION AS PROVIDED IN SECTION 2652A. THE COUNTY MEDICAL EXAMINER SHALL AUTHORIZE THE FINAL DISPOSITION OF AN UNCLAIMED BODY REFERRED UNDER THIS SUBSECTION AS PROVIDED IN SECTION 3206(8) OF THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1978 PA 386, MCL 700.3206.

(5) A HOSPITAL, EDUCATIONAL INSTITUTION, OR PREFERRED PROVIDER THAT RECEIVES AN UNCLAIMED BODY UNDER SUBSECTION (4) SHALL HOLD THE UNCLAIMED BODY FOR 30 DAYS, DURING WHICH PERIOD THE BODY IS SUBJECT TO IDENTIFICATION AND CLAIM BY A PERSON WITH AUTHORITY OVER THE BODY UNDER SECTION 3206 OF THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.3206.

Sec. 2655. ~~An~~ A HOSPITAL OR EDUCATIONAL INSTITUTION THAT RECEIVES AN unclaimed body ~~retained by the department for scientific or educational purposes~~ INSTRUCTION, STUDY, OR USE AS PROVIDED IN SECTION 2652(1) shall be ~~embalmed and disposed of in accordance with standards adopted under section 2678. The unclaimed body shall be held for 30 days by the person to whom it has been~~

~~assigned for scientific or educational purposes. The body is subject during this period to identification and claim by an authenticated person with authority over the body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, for the purpose of interment or other disposition in accordance with the directions of that person.~~

HANDLE THE BODY IN COMPLIANCE WITH THE UNCLAIMED BODY PROGRAM ESTABLISHED UNDER SECTION 2652A.

Sec. 2656. A ~~person receiving~~ **HOSPITAL OR EDUCATIONAL INSTITUTION THAT RECEIVES** an unclaimed body for ~~educational purposes~~ **INSTRUCTION, STUDY, OR USE AS PROVIDED IN SECTION 2652(1)** shall bear all reasonable expense incurred in the preservation and transportation of the **UNCLAIMED** body. ~~and~~ **THE HOSPITAL OR EDUCATIONAL INSTITUTION** shall keep a permanent record of **UNCLAIMED** bodies received, ~~giving~~ **INCLUDING** the identification number, name, age, religion, and sex, the place of last residence of the ~~deceased,~~ **DECEDENT**, and the source and disposition, with dates, of the **UNCLAIMED** body. A ~~person receiving~~ **HOSPITAL OR EDUCATIONAL INSTITUTION THAT RECEIVES** an unclaimed body ~~, or part thereof,~~ **OF AN UNCLAIMED BODY** for ~~educational purposes~~ **INSTRUCTION, STUDY, OR USE AS PROVIDED IN SECTION 2652(1)** shall ~~dispose of the body in accordance with the standards adopted under section 2678.~~ **HANDLE THE BODY IN COMPLIANCE WITH THE UNCLAIMED BODY PROGRAM ESTABLISHED UNDER SECTION 2652A.**

Sec. 2658. A person, unless specifically authorized by law, shall not ~~hold~~ **CONDUCT** a postmortem examination of an unclaimed body without the express permission of the director of the

1 department. ~~When, through the failure of~~ **IF** a person **FAILS** to
2 notify the ~~department~~ **MEDICAL EXAMINER OF AN UNCLAIMED BODY UNDER**
3 **SECTION 2653** or **FAILS TO** promptly ~~to~~ release an unclaimed body as
4 required ~~by the department,~~ **UNDER THIS PART, AND DUE TO THAT**
5 **FAILURE** the body becomes unfit for ~~scientific or educational~~
6 ~~purposes,~~ **INSTRUCTION, STUDY, OR USE AS PROVIDED IN SECTION**
7 **2652(1),** the department shall ~~so~~ certify **THAT FAILURE,** and the **COST**
8 **OF THE FINAL DISPOSITION OF THE** unclaimed body shall be ~~incurred at~~
9 the expense of ~~these~~ **THE PERSONS** responsible for the
10 ~~noncompliance.~~ **FAILURE.**

11 Sec. 2659. The department may adopt standards pursuant to
12 section 2678, **INCLUDING STANDARDS APPLICABLE TO THE UNCLAIMED BODY**
13 **PROGRAM ESTABLISHED UNDER SECTION 2652A,** for the transportation,
14 reception, preservation, storage, records, and allocation of
15 unclaimed bodies or parts **OF UNCLAIMED BODIES.**