

HOUSE BILL No. 4700

April 16, 1991, Introduced by Reps. Bennane, Gire, DeMars, Pitoniak, Dalman and Dolan and referred to the Committee on Public Health.

A bill to amend Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws, by adding sections 17035, 17535, and 20195.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as
2 amended, being sections 333.1101 to 333.25211 of the Michigan
3 Compiled Laws, is amended by adding sections 17035, 17535, and
4 20195 to read as follows:

5 SEC. 17035. (1) UPON WRITTEN REQUEST BY A COUNTY MEDICAL
6 EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER CONDUCTING AN INVESTI-
7 GATION UNDER SECTION 2 OF ACT NO. 181 OF THE PUBLIC ACTS OF 1953,
8 BEING SECTION 52.202 OF THE MICHIGAN COMPILED LAWS, A PHYSICIAN
9 SHALL MAKE AVAILABLE TO THE COUNTY MEDICAL EXAMINER OR DEPUTY

1 COUNTY MEDICAL EXAMINER ALL MEDICAL RECORDS AND EXISTING ACTUAL
2 BLOOD, URINE, OR TISSUE SAMPLES OR OTHER BIOLOGICAL MATERIALS
3 RELATING TO THE INCIDENT LEADING TO THE DEATH OF A PERSON WHO WAS
4 A PATIENT OF THE PHYSICIAN AND WHO HAS DIED IN A MANNER DESCRIBED
5 IN SECTION 2 OF ACT NO. 181 OF THE PUBLIC ACTS OF 1953.

6 (2) A PHYSICIAN WHO IN GOOD FAITH COMPLIES WITH THIS SECTION
7 IS NOT LIABLE FOR DAMAGES IN A CIVIL ACTION OR SUBJECT TO PROSE-
8 CUTION IN A CRIMINAL PROCEEDING AS A RESULT OF THE COMPLIANCE.
9 IN ADDITION, COMPLIANCE WITH THIS SECTION IS NOT A VIOLATION OF
10 THE PHYSICIAN-PATIENT PRIVILEGE ESTABLISHED UNDER SECTION 2157 OF
11 THE REVISED JUDICATURE ACT OF 1961, ACT NO. 236 OF THE PUBLIC
12 ACTS OF 1961, BEING SECTION 600.2157 OF THE MICHIGAN COMPILED
13 LAWS.

14 SEC. 17535. (1) UPON WRITTEN REQUEST BY A COUNTY MEDICAL
15 EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER CONDUCTING AN INVESTI-
16 GATION UNDER SECTION 2 OF ACT NO. 181 OF THE PUBLIC ACTS OF 1953,
17 BEING SECTION 52.202 OF THE MICHIGAN COMPILED LAWS, A PHYSICIAN
18 SHALL MAKE AVAILABLE TO THE COUNTY MEDICAL EXAMINER OR DEPUTY
19 COUNTY MEDICAL EXAMINER ALL MEDICAL RECORDS AND EXISTING ACTUAL
20 BLOOD, URINE, OR TISSUE SAMPLES OR OTHER BIOLOGICAL MATERIALS
21 RELATING TO THE INCIDENT LEADING TO THE DEATH OF A PERSON WHO WAS
22 A PATIENT OF THE PHYSICIAN AND WHO HAS DIED IN A MANNER DESCRIBED
23 IN SECTION 2 OF ACT NO. 181 OF THE PUBLIC ACTS OF 1953.

24 (2) A PHYSICIAN WHO IN GOOD FAITH COMPLIES WITH THIS SECTION
25 IS NOT LIABLE FOR DAMAGES IN A CIVIL ACTION OR SUBJECT TO PROSE-
26 CUTION IN A CRIMINAL PROCEEDING AS A RESULT OF THE COMPLIANCE.
27 IN ADDITION, COMPLIANCE WITH THIS SECTION IS NOT A VIOLATION OF

1 THE PHYSICIAN-PATIENT PRIVILEGE ESTABLISHED UNDER SECTION 2157 OF
2 THE REVISED JUDICATURE ACT OF 1961, ACT NO. 236 OF THE PUBLIC
3 ACTS OF 1961, BEING SECTION 600.2157 OF THE MICHIGAN COMPILED
4 LAWS.

5 SEC. 20195. (1) UPON WRITTEN REQUEST BY A COUNTY MEDICAL
6 EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER CONDUCTING AN INVESTI-
7 GATION UNDER SECTION 2 OF ACT NO. 181 OF THE PUBLIC ACTS OF 1953,
8 BEING SECTION 52.202 OF THE MICHIGAN COMPILED LAWS, A HEALTH
9 FACILITY OR AGENCY SHALL MAKE AVAILABLE TO THE COUNTY MEDICAL
10 EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER ALL MEDICAL RECORDS
11 AND EXISTING ACTUAL BLOOD, URINE, OR TISSUE SAMPLES OR OTHER BIO-
12 LOGICAL MATERIALS RELATING TO THE INCIDENT LEADING TO THE DEATH
13 OF A PERSON WHO WAS A PATIENT AT THE HEALTH FACILITY OR AGENCY
14 AND WHO HAS DIED IN A MANNER DESCRIBED IN SECTION 2 OF ACT
15 NO. 181 OF THE PUBLIC ACTS OF 1953.

16 (2) A HEALTH FACILITY OR AGENCY THAT IN GOOD FAITH COMPLIES
17 WITH THIS SECTION IS NOT LIABLE FOR DAMAGES IN A CIVIL ACTION OR
18 SUBJECT TO PROSECUTION IN A CRIMINAL PROCEEDING AS A RESULT OF
19 THE COMPLIANCE. IN ADDITION, COMPLIANCE WITH THIS SECTION IS NOT
20 A VIOLATION OF THE PHYSICIAN-PATIENT PRIVILEGE ESTABLISHED UNDER
21 SECTION 2157 OF THE REVISED JUDICATURE ACT OF 1961, ACT NO. 236
22 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600.2157 OF THE
23 MICHIGAN COMPILED LAWS.