

HOUSE BILL No. 5270

October 17, 1991, Introduced by Reps. Bennane, Yokich, Gire, Gubow, Olshove, Wozniak, Barns and Hunter 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 part 105.

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 part 105 to read as follows:

4 PART 105

5 SEC. 10501. AS USED IN THIS PART:

6 (A) "EMPLOYEE" MEANS A PERSON OTHER THAN AN INDEPENDENT CON-
7 TRACTOR WHO PERFORMS SERVICES FOR HIRE FOR AN EMPLOYER, FOR AN
8 AVERAGE OF 20 OR MORE HOURS PER WEEK.

1 (B) "EMPLOYER" MEANS A PERSON OR GOVERNMENTAL ENTITY THAT
2 EMPLOYS AN EMPLOYEE.

3 (C) "FUND" MEANS THE STATE EMPLOYEE BONE MARROW DRIVE FUND
4 CREATED IN SECTION 10505.

5 (D) "STATE EMPLOYEE" MEANS AN EMPLOYEE OF THE STATE OF
6 MICHIGAN.

7 (E) "VESTED PAID LEAVE" MEANS A LEAVE OF ABSENCE TO WHICH AN
8 EMPLOYEE IS ENTITLED PURSUANT TO A CONTRACT.

9 SEC. 10503. (1) WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF
10 THE AMENDATORY ACT THAT ADDED THIS PART, THE DEPARTMENT SHALL DO
11 EACH OF THE FOLLOWING:

12 (A) ESTABLISH A REGISTRY FOR BONE MARROW DONORS.

13 (B) DEVELOP A PROGRAM TO PROVIDE THE FOLLOWING INFORMATION
14 TO THE PUBLIC:

15 (i) THE NEED FOR BONE MARROW DONORS IN THIS STATE.

16 (ii) THE PROCEDURES FOR BONE MARROW DONOR REGISTRATION,
17 INCLUDING THE PROCESS USED FOR DETERMINING A PERSON'S TISSUE
18 TYPE.

19 (iii) THE MEDICAL PROCEDURES EMPLOYED IN THE DONATION OF
20 BONE MARROW AND RELATED CELLS.

21 (iv) THE TAX CREDIT AVAILABLE TO CERTAIN EMPLOYERS WHO INCUR
22 A BONE MARROW DONOR EXPENSE AS THAT TERM IS DEFINED IN SECTION
23 36C OF THE SINGLE BUSINESS TAX ACT, ACT NO. 228 OF THE PUBLIC
24 ACTS OF 1975, BEING SECTION 208.36C OF THE MICHIGAN COMPILED
25 LAWS.

26 (C) DEVELOP AND PUBLISH A PAMPHLET THAT CONTAINS THE
27 INFORMATION DESCRIBED IN SUBDIVISION (B).

1 (2) IN DEVELOPING THE EDUCATIONAL PROGRAM DESCRIBED IN
2 SUBSECTION (1), THE DEPARTMENT SHALL DO THE FOLLOWING:

3 (A) ENCOURAGE MINORITY POPULATIONS TO BECOME BONE MARROW
4 DONORS.

5 (B) WITHIN 1 YEAR OF THE EFFECTIVE DATE OF THE AMENDATORY
6 ACT THAT ADDED THIS PART, PROVIDE THE SECRETARY OF STATE WITH A
7 BONE MARROW DONOR INFORMATIONAL PAMPHLET DEVELOPED UNDER THIS
8 PART, FOR DISTRIBUTION BY THE SECRETARY OF STATE PURSUANT TO SEC-
9 TION 310 OF THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC
10 ACTS OF 1949, BEING SECTION 257.310 OF THE MICHIGAN COMPILED
11 LAWS.

12 (C) PUBLICIZE THE BONE MARROW REGISTRY AND THE NEED FOR BONE
13 MARROW DONORS THROUGH THE USE OF ANY MEDIUM THAT THE DEPARTMENT
14 DETERMINES APPROPRIATE.

15 (3) WITHIN 1 YEAR OF THE EFFECTIVE DATE OF THE AMENDATORY
16 ACT THAT ADDED THIS PART, THE DEPARTMENT SHALL CONDUCT A BONE
17 MARROW DONOR DRIVE DIRECTED AT STATE EMPLOYEES, AND SHALL MAKE
18 AVAILABLE TO STATE EMPLOYEES THE INFORMATION DESCRIBED IN SUBSEC-
19 TION (1) AND EDUCATIONAL MATERIALS FURNISHED BY THE NATIONAL BONE
20 MARROW DONOR PROGRAM THAT ARE APPROVED BY THE DEPARTMENT.

21 SEC. 10505. (1) THE STATE EMPLOYEE BONE MARROW DRIVE FUND
22 IS CREATED WITHIN THE DEPARTMENT OF TREASURY AND SHALL BE ADMIN-
23 ISTERED BY THE DEPARTMENT OF PUBLIC HEALTH. THE FUND IS CAPITAL-
24 IZED BY GRANTS FROM THE NATIONAL MARROW DONOR PROGRAM. THE FUND
25 MAY ADDITIONALLY RECEIVE MONEY AS PROVIDED IN THIS PART AND AS
26 OTHERWISE PROVIDED BY LAW, AND SHALL RECEIVE ANY GIFTS OR
27 CONTRIBUTIONS TO THE FUND. DONATIONS MADE TO THE FUND ARE TAX

1 DEDUCTIBLE UNDER THE NONPROFIT DESIGNATION GIVEN TO THE NATIONAL
2 MARROW DONOR PROGRAM UNDER SECTION 501(c)(3) OF THE INTERNAL REV-
3 ENUE CODE.

4 (2) THE STATE TREASURER SHALL CREDIT TO THE FUND INTEREST
5 AND EARNINGS OF THE FUND. THE STATE TREASURER SHALL RETAIN THE
6 MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR AND SHALL NOT
7 CONVEY THAT MONEY TO THE GENERAL FUND.

8 (3) THE DEPARTMENT SHALL EXPEND MONEY IN THE FUND ONLY TO
9 PAY FOR THE STATE EMPLOYEE BONE MARROW DRIVE DESCRIBED IN SECTION
10 10503(3).

11 SEC. 10507. (1) AN EMPLOYER SHALL NOT DENY AN EMPLOYEE A
12 VESTED PAID LEAVE OF ABSENCE FOR THAT EMPLOYEE'S DONATION OF BONE
13 MARROW. UNLESS AN EMPLOYER AGREES TO A GREATER PERIOD OF TIME,
14 AN EMPLOYEE'S PAID LEAVE OF ABSENCE FOR A BONE MARROW DONATION
15 SHALL BE FOR A PERIOD THAT IS THE LESSER OF THE FOLLOWING:

16 (A) THE TOTAL AMOUNT OF THAT EMPLOYEE'S VESTED PAID LEAVE OF
17 ABSENCE, OR A LESSER PERIOD DETERMINED BY THE EMPLOYEE.

18 (B) FORTY WORKING HOURS, OR A LESSER PERIOD DETERMINED BY
19 THE EMPLOYEE.

20 (2) AN EMPLOYER MAY REQUIRE A PHYSICIAN'S VERIFICATION OF
21 THE PURPOSE AND DURATION OF EACH LEAVE OF ABSENCE AN EMPLOYEE
22 REQUESTS FOR A BONE MARROW DONATION. A PHYSICIAN'S DETERMINATION
23 THAT AN EMPLOYEE IS NOT QUALIFIED AS A BONE MARROW DONOR DOES NOT
24 AFFECT A LEAVE OF ABSENCE FOR A BONE MARROW TRANSPLANT TAKEN BY
25 THAT EMPLOYEE BEFORE THE PHYSICIAN'S DETERMINATION.

1 (3) AN EMPLOYER SHALL NOT RETALIATE AGAINST AN EMPLOYEE FOR
2 THAT EMPLOYEE'S REQUEST FOR OR USE OF A VESTED PAID LEAVE OF
3 ABSENCE TO DONATE BONE MARROW.

4 (4) AN EMPLOYER MAY PROVIDE A PAID LEAVE OF ABSENCE FOR A
5 BONE MARROW DONATION THAT IS OF A GREATER DURATION THAN THE
6 PERIOD DESCRIBED IN SUBSECTION (1).

7 (5) THIS PART DOES NOT AFFECT AN EMPLOYEE'S BENEFIT THAT IS
8 NOT DESCRIBED IN THIS PART.

9 Section 2. This amendatory act shall not take effect unless
10 all of the following bills of the 86th Legislature are enacted
11 into law:

12 (a) Senate Bill No. ____ or House Bill No. 5268 (request
13 no. 04289'91 a).

14 (b) Senate Bill No. ____ or House Bill No. 5269 (request
15 no. 04289'91 b).