

HOUSE BILL No. 5443

January 15, 1992, Introduced by Rep. Griffin 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 10111, 10113, 10115, 10117, 10119, 10121, 10123, 10125, 10127, 10129, 10131, 10133, 10135, and 10151; and to repeal certain parts of the act.

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 10111, 10113, 10115,
4 10117, 10119, 10121, 10123, 10125, 10127, 10129, 10131, 10133,
5 10135, and 10151 to read as follows:

6 SEC. 10111. AS USED IN THIS PART:

1 (A) "ANATOMICAL GIFT" MEANS A DONATION OF ALL OR PART OF A
2 HUMAN BODY TO TAKE EFFECT UPON OR AFTER DEATH.

3 (B) "DECEDENT" MEANS A DECEASED INDIVIDUAL AND INCLUDES A
4 STILLBORN INFANT OR FETUS.

5 (C) "DOCUMENT OF GIFT" MEANS A CARD, A STATEMENT ATTACHED TO
6 OR IMPRINTED ON A MOTOR VEHICLE OPERATOR'S OR CHAUFFEUR'S
7 LICENSE, A WILL, OR OTHER WRITING USED TO MAKE AN ANATOMICAL
8 GIFT.

9 (D) "DONOR" MEANS AN INDIVIDUAL WHO MAKES AN ANATOMICAL GIFT
10 OF ALL OR PART OF THE INDIVIDUAL'S BODY.

11 (E) "ENUCLEATOR" MEANS A PHYSICIAN LICENSED UNDER ARTICLE 15
12 WHO IS QUALIFIED TO REMOVE OR PROCESS EYES OR PARTS OF EYES.

13 (F) "HOSPITAL" MEANS A FACILITY LICENSED, ACCREDITED, OR
14 APPROVED AS A HOSPITAL UNDER THE LAW OF ANY STATE OR A FACILITY
15 OPERATED AS A HOSPITAL BY THE UNITED STATES GOVERNMENT, A STATE,
16 OR A SUBDIVISION OF A STATE.

17 (G) "PART" MEANS AN ORGAN, TISSUE, EYE, BONE, ARTERY, BLOOD,
18 FLUID, OR OTHER PORTION OF A HUMAN BODY.

19 (H) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, BUSINESS
20 TRUST, ESTATE, TRUST, PARTNERSHIP, JOINT VENTURE, ASSOCIATION,
21 GOVERNMENT, GOVERNMENTAL SUBDIVISION OR AGENCY, OR ANY OTHER
22 LEGAL OR COMMERCIAL ENTITY.

23 (I) "PHYSICIAN" MEANS AN INDIVIDUAL LICENSED OR OTHERWISE
24 AUTHORIZED TO PRACTICE MEDICINE OR OSTEOPATHIC MEDICINE AND SUR-
25 GERY UNDER THE LAWS OF ANY STATE.

1 (J) "PROCUREMENT ORGANIZATION" MEANS A PERSON LICENSED,
2 ACCREDITED, OR APPROVED UNDER THE LAWS OF ANY STATE FOR
3 PROCUREMENT, DISTRIBUTION, OR STORAGE OF HUMAN BODIES OR PARTS.

4 (K) "STATE" MEANS A STATE, TERRITORY, OR POSSESSION OF THE
5 UNITED STATES, THE DISTRICT OF COLUMBIA, OR THE COMMONWEALTH OF
6 PUERTO RICO.

7 (L) "TECHNICIAN" MEANS A HEALTH PROFESSIONAL LICENSED UNDER
8 ARTICLE 15 AND QUALIFIED TO REMOVE OR PROCESS A PART.

9 SEC. 10113. (1) AN INDIVIDUAL WHO IS AT LEAST 18 YEARS OF
10 AGE MAY DO 1 OF THE FOLLOWING:

11 (A) MAKE AN ANATOMICAL GIFT FOR ANY OF THE PURPOSES STATED
12 IN SECTION 10121.

13 (B) LIMIT AN ANATOMICAL GIFT TO 1 OR MORE OF THE PURPOSES
14 STATED IN SECTION 10121.

15 (C) REFUSE TO MAKE AN ANATOMICAL GIFT.

16 (2) AN ANATOMICAL GIFT MAY BE MADE ONLY BY A DOCUMENT OF
17 GIFT SIGNED BY THE DONOR. IF THE DONOR CANNOT SIGN, THE DOCUMENT
18 OF GIFT SHALL BE SIGNED BY ANOTHER INDIVIDUAL AND BY 2 WITNESSES,
19 EACH OF WHOM SIGNS AT THE DIRECTION AND IN THE PRESENCE OF THE
20 DONOR AND OF EACH OTHER, AND SHALL STATE THAT IT HAS BEEN SO
21 SIGNED.

22 (3) IF A DOCUMENT OF GIFT IS ATTACHED TO OR IMPRINTED ON A
23 DONOR'S MOTOR VEHICLE OPERATOR'S OR CHAUFFEUR'S LICENSE, THE DOC-
24 UMENT OF GIFT SHALL COMPLY WITH SUBSECTION (2). REVOCATION, SUS-
25 PENSION, EXPIRATION, OR CANCELLATION OF THE LICENSE DOES NOT
26 INVALIDATE THE ANATOMICAL GIFT.

1 (4) A DOCUMENT OF GIFT MAY DESIGNATE A PARTICULAR PHYSICIAN
2 TO CARRY OUT THE APPROPRIATE PROCEDURES. IN THE ABSENCE OF A
3 DESIGNATION OR IF THE DESIGNEE IS NOT AVAILABLE, THE DONEE OR
4 OTHER PERSON AUTHORIZED TO ACCEPT THE ANATOMICAL GIFT MAY EMPLOY
5 OR AUTHORIZE ANY PHYSICIAN, TECHNICIAN, OR ENUCLEATOR TO CARRY
6 OUT THE APPROPRIATE PROCEDURES.

7 (5) AN ANATOMICAL GIFT BY WILL TAKES EFFECT UPON DEATH OF
8 THE TESTATOR, WHETHER OR NOT THE WILL IS PROBATED. IF, AFTER
9 DEATH, THE WILL IS DECLARED INVALID FOR TESTAMENTARY PURPOSES,
10 THE VALIDITY OF THE ANATOMICAL GIFT IS UNAFFECTED.

11 (6) A DONOR MAY AMEND OR REVOKE AN ANATOMICAL GIFT NOT MADE
12 BY WILL ONLY BY 1 OR MORE OF THE FOLLOWING METHODS:

13 (A) A SIGNED STATEMENT.

14 (B) AN ORAL STATEMENT MADE IN THE PRESENCE OF AT LEAST 2
15 INDIVIDUALS.

16 (C) ANY FORM OF COMMUNICATION DURING A TERMINAL ILLNESS OR
17 INJURY ADDRESSED TO A PHYSICIAN.

18 (D) THE DELIVERY OF A SIGNED STATEMENT TO A SPECIFIED DONEE
19 TO WHOM A DOCUMENT OF GIFT HAD BEEN DELIVERED.

20 (7) THE DONOR OF AN ANATOMICAL GIFT MADE BY WILL MAY AMEND
21 OR REVOKE THE GIFT IN THE MANNER PROVIDED BY LAW FOR AMENDMENT OR
22 REVOCATION OF WILLS, OR AS PROVIDED IN SUBSECTION (6).

23 (8) AN ANATOMICAL GIFT THAT IS NOT REVOKED BY THE DONOR
24 BEFORE DEATH IS IRREVOCABLE AND DOES NOT REQUIRE THE CONSENT OR
25 CONCURRENCE OF ANY PERSON AFTER THE DONOR'S DEATH.

26 (9) AN INDIVIDUAL MAY REFUSE TO MAKE AN ANATOMICAL GIFT OF
27 THE INDIVIDUAL'S BODY OR PART BY 1 OR MORE OF THE FOLLOWING:

1 (A) A WRITING SIGNED IN THE SAME MANNER AS A DOCUMENT OF
2 GIFT.

3 (B) A STATEMENT ATTACHED TO OR IMPRINTED ON A DONOR'S MOTOR
4 VEHICLE OPERATOR'S OR CHAUFFEUR'S LICENSE.

5 (C) ANY OTHER WRITING USED TO IDENTIFY THE INDIVIDUAL AS
6 REFUSING TO MAKE AN ANATOMICAL GIFT.

7 (10) DURING A TERMINAL ILLNESS OR INJURY, A REFUSAL TO MAKE
8 AN ANATOMICAL GIFT MAY BE AN ORAL STATEMENT OR OTHER FORM OF
9 COMMUNICATION.

10 (11) IN THE ABSENCE OF CONTRARY INDICATIONS BY THE DONOR, AN
11 ANATOMICAL GIFT OF A PART IS NEITHER A REFUSAL TO GIVE OTHER
12 PARTS NOR A LIMITATION ON AN ANATOMICAL GIFT UNDER SECTION 10115
13 OR ON A REMOVAL OR RELEASE OF OTHER PARTS UNDER SECTION 10117.

14 (12) IN THE ABSENCE OF CONTRARY INDICATIONS BY THE DONOR, A
15 REVOCATION OR AMENDMENT OF AN ANATOMICAL GIFT IS NOT A REFUSAL TO
16 MAKE ANOTHER ANATOMICAL GIFT. IF THE DONOR INTENDS A REVOCATION
17 TO BE A REFUSAL TO MAKE AN ANATOMICAL GIFT, THE DONOR SHALL MAKE
18 THE REFUSAL PURSUANT TO SUBSECTION (9).

19 SEC. 10115. (1) ANY MEMBER OF THE FOLLOWING CLASSES OF
20 INDIVIDUALS, IN THE ORDER OF PRIORITY LISTED, MAY MAKE AN ANATOM-
21 ICAL GIFT OF ALL OR A PART OF A DECEDENT'S BODY FOR AN AUTHORIZED
22 PURPOSE, UNLESS THE DECEDENT, AT THE TIME OF DEATH, HAS MADE AN
23 UNREVOKED REFUSAL TO MAKE THAT ANATOMICAL GIFT:

24 (A) THE SPOUSE OF THE DECEDENT.

25 (B) AN ADULT SON OR DAUGHTER OF THE DECEDENT.

26 (C) EITHER PARENT OF THE DECEDENT.

1 (D) AN ADULT BROTHER OR SISTER OF THE DECEDENT.

2 (E) A GRANDPARENT OF THE DECEDENT.

3 (F) A GUARDIAN OF THE PERSON OF THE DECEDENT AT THE TIME OF
4 DEATH.

5 (2) AN ANATOMICAL GIFT SHALL NOT BE MADE BY AN INDIVIDUAL
6 LISTED IN SUBSECTION (1) IF 1 OR MORE OF THE FOLLOWING CONDITIONS
7 ARE MET:

8 (A) AN INDIVIDUAL IN A PRIOR CLASS IS AVAILABLE AT THE TIME
9 OF DEATH TO MAKE AN ANATOMICAL GIFT.

10 (B) THE INDIVIDUAL PROPOSING TO MAKE AN ANATOMICAL GIFT
11 KNOWS OF A REFUSAL OR CONTRARY INDICATIONS BY THE DECEDENT.

12 (C) THE INDIVIDUAL PROPOSING TO MAKE AN ANATOMICAL GIFT
13 KNOWS OF AN OBJECTION TO MAKING AN ANATOMICAL GIFT BY A MEMBER OF
14 THE INDIVIDUAL'S CLASS OR A PRIOR CLASS.

15 (3) AN ANATOMICAL GIFT BY AN INDIVIDUAL AUTHORIZED UNDER
16 SUBSECTION (1) SHALL BE MADE BY 1 OF THE FOLLOWING METHODS:

17 (A) A DOCUMENT OF GIFT SIGNED BY THE INDIVIDUAL.

18 (B) THE INDIVIDUAL'S TELEGRAPHIC, RECORDED TELEPHONIC, OR
19 OTHER RECORDED MESSAGE, OR OTHER FORM OF COMMUNICATION FROM THE
20 INDIVIDUAL THAT IS CONTEMPORANEOUSLY REDUCED TO WRITING AND
21 SIGNED BY THE RECIPIENT OF THE MESSAGE.

22 (4) AN ANATOMICAL GIFT BY AN INDIVIDUAL AUTHORIZED UNDER
23 SUBSECTION (1) MAY BE REVOKED BY ANY MEMBER OF THE SAME OR A
24 PRIOR CLASS BEFORE PROCEDURES HAVE BEGUN FOR THE REMOVAL OF A
25 PART FROM THE BODY OF THE DECEDENT BY COMMUNICATING THE INTENT TO
26 REVOKE THE ANATOMICAL GIFT TO THE PHYSICIAN, TECHNICIAN, OR
27 ENUCLEATOR REMOVING THE PART.

1 (5) A FAILURE TO MAKE AN ANATOMICAL GIFT UNDER
2 SUBSECTION (1) IS NOT AN OBJECTION TO THE MAKING OF AN ANATOMICAL
3 GIFT.

4 SEC. 10117. (1) A MEDICAL EXAMINER MAY RELEASE AND PERMIT
5 THE REMOVAL OF A PART FROM A BODY WITHIN THE MEDICAL EXAMINER'S
6 CUSTODY, FOR TRANSPLANTATION OR THERAPY, IF ALL OF THE FOLLOWING
7 REQUIREMENTS ARE MET:

8 (A) THE MEDICAL EXAMINER HAS RECEIVED A REQUEST FOR THE PART
9 FROM A HOSPITAL, PHYSICIAN, OR PROCUREMENT ORGANIZATION.

10 (B) THE MEDICAL EXAMINER HAS MADE A REASONABLE EFFORT,
11 TAKING INTO ACCOUNT THE USEFUL LIFE OF THE PART, TO LOCATE AND
12 EXAMINE THE DECEDENT'S MEDICAL RECORDS AND INFORM INDIVIDUALS
13 LISTED IN SECTION 10115(1) OF THEIR OPTION TO MAKE, OR OBJECT TO
14 MAKING, AN ANATOMICAL GIFT.

15 (C) THE MEDICAL EXAMINER DOES NOT KNOW OF A REFUSAL OR CON-
16 TRARY INDICATION BY THE DECEDENT OR OBJECTION BY AN INDIVIDUAL
17 HAVING PRIORITY TO ACT AS LISTED IN SECTION 10115(1).

18 (D) THE REMOVAL WILL BE BY A PHYSICIAN OR TECHNICIAN, OR IN
19 THE CASE OF EYES, BY AN ENUCLEATOR.

20 (E) THE REMOVAL WILL NOT INTERFERE WITH ANY AUTOPSY OR
21 INVESTIGATION.

22 (F) THE REMOVAL WILL BE IN ACCORDANCE WITH ACCEPTED MEDICAL
23 STANDARDS.

24 (G) COSMETIC RESTORATION WILL BE DONE, IF APPROPRIATE.

25 (2) IF A BODY IS NOT WITHIN THE CUSTODY OF THE MEDICAL
26 EXAMINER, THE LOCAL HEALTH OFFICER MAY RELEASE AND PERMIT THE
27 REMOVAL OF ANY PART FROM THE BODY IN THE LOCAL HEALTH OFFICER'S

1 CUSTODY FOR TRANSPLANTATION OR THERAPY IF THE LOCAL HEALTH
2 OFFICER COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (1) IN THE
3 SAME MANNER AS A MEDICAL EXAMINER.

4 (3) A MEDICAL EXAMINER OR LOCAL HEALTH OFFICER RELEASING AND
5 PERMITTING THE REMOVAL OF A PART UNDER THIS SECTION SHALL MAIN-
6 TAIN A PERMANENT RECORD OF THE NAME OF THE DECEDENT, THE NAME OF
7 THE PERSON MAKING THE REQUEST, THE DATE AND PURPOSE OF THE
8 REQUEST, THE PART REQUESTED, AND THE NAME OF THE PERSON TO WHOM
9 IT WAS RELEASED.

10 (4) THIS SECTION DOES NOT APPLY TO THE REMOVAL OF A CORNEA
11 PURSUANT TO PART 102.

12 SEC. 10119. (1) UPON OR BEFORE ADMISSION TO A HOSPITAL, OR
13 AS SOON AS POSSIBLE AFTER ADMISSION TO A HOSPITAL, AN INDIVIDUAL
14 DESIGNATED BY THE HOSPITAL SHALL ASK EACH PATIENT WHO IS AT LEAST
15 18 YEARS OF AGE THE FOLLOWING QUESTION: "ARE YOU AN ORGAN OR
16 TISSUE DONOR?" IF THE ANSWER IS AFFIRMATIVE, THE PERSON SHALL
17 REQUEST A COPY OF THE DOCUMENT OF GIFT. IF THE ANSWER IS NEGA-
18 TIVE OR THERE IS NO ANSWER AND THE ATTENDING PHYSICIAN CONSENTS,
19 THE PERSON DESIGNATED BY THE HOSPITAL SHALL DISCUSS WITH THE
20 PATIENT THE OPTION TO MAKE OR REFUSE TO MAKE AN ANATOMICAL GIFT.
21 THE ANSWER TO THE QUESTION, AN AVAILABLE COPY OF ANY DOCUMENT OF
22 GIFT OR REFUSAL TO MAKE AN ANATOMICAL GIFT, AND ANY OTHER RELE-
23 VANT INFORMATION SHALL BE PLACED IN THE PATIENT'S MEDICAL
24 RECORD.

25 (2) IF, AT OR NEAR THE TIME OF DEATH OF A PATIENT, THERE IS
26 NO MEDICAL RECORD THAT THE PATIENT HAS MADE OR REFUSED TO MAKE AN
27 ANATOMICAL GIFT, THE HOSPITAL ADMINISTRATOR OR A REPRESENTATIVE

1 DESIGNATED BY THE HOSPITAL ADMINISTRATOR SHALL DISCUSS THE OPTION
2 TO MAKE OR REFUSE TO MAKE AN ANATOMICAL GIFT AND REQUEST THE
3 MAKING OF AN ANATOMICAL GIFT PURSUANT TO SECTION 10115(1). THE
4 REQUEST SHALL BE MADE WITH REASONABLE DISCRETION AND SENSITIVITY
5 TO THE CIRCUMSTANCES OF THE FAMILY. A REQUEST UNDER THIS SUBSEC-
6 TION IS NOT REQUIRED IF THE GIFT IS NOT SUITABLE BASED UPON
7 ACCEPTED MEDICAL STANDARDS, FOR A PURPOSE SPECIFIED IN
8 SECTION 10121. AN ENTRY SHALL BE MADE IN THE MEDICAL RECORD OF
9 THE PATIENT, STATING THE NAME AND AFFILIATION OF THE INDIVIDUAL
10 MAKING THE REQUEST, AND THE NAME, RESPONSE, AND RELATIONSHIP TO
11 THE PATIENT OF THE INDIVIDUAL TO WHOM THE REQUEST WAS MADE. THE
12 DIRECTOR SHALL PROMULGATE RULES TO IMPLEMENT THIS SUBSECTION.

13 (3) THE FOLLOWING PERSONS SHALL MAKE A REASONABLE SEARCH FOR
14 A DOCUMENT OF GIFT OR OTHER INFORMATION IDENTIFYING THE BEARER AS
15 A DONOR OR AS AN INDIVIDUAL WHO HAS REFUSED TO MAKE AN ANATOMICAL
16 GIFT:

17 (A) A LAW ENFORCEMENT OFFICER, FIRE FIGHTER, INDIVIDUAL
18 LICENSED UNDER SECTION 20950, OR OTHER EMERGENCY RESCUER FINDING
19 AN INDIVIDUAL WHO THE SEARCHER BELIEVES IS DEAD OR NEAR DEATH.

20 (B) A HOSPITAL, UPON THE ADMISSION OF AN INDIVIDUAL AT OR
21 NEAR THE TIME OF DEATH, IF THERE IS NOT IMMEDIATELY AVAILABLE ANY
22 OTHER SOURCE OF THAT INFORMATION.

23 (4) IF A DOCUMENT OF GIFT OR EVIDENCE OF REFUSAL TO MAKE AN
24 ANATOMICAL GIFT IS LOCATED BY THE SEARCH REQUIRED BY
25 SUBSECTION (3)(A), AND THE INDIVIDUAL OR BODY TO WHOM IT RELATES
26 IS TAKEN TO A HOSPITAL, THE INDIVIDUAL FINDING THE INFORMATION

1 SHALL NOTIFY THE HOSPITAL OF THE INFORMATION AND SEND THE
2 DOCUMENT OR OTHER EVIDENCE TO THE HOSPITAL.

3 (5) IF, AT OR NEAR THE TIME OF DEATH OF A PATIENT, A HOSPI-
4 TAL KNOWS THAT AN ANATOMICAL GIFT HAS BEEN MADE PURSUANT TO
5 SECTION 10115(1) OR A RELEASE AND REMOVAL OF A PART HAS BEEN PER-
6 MITTED PURSUANT TO SECTION 10117, OR THAT A PATIENT OR AN INDI-
7 VIDUAL IDENTIFIED AS IN TRANSIT TO THE HOSPITAL IS A DONOR, THE
8 HOSPITAL SHALL NOTIFY THE DONEE IF A DONEE IS NAMED AND KNOWN TO
9 THE HOSPITAL; IF NOT, IT SHALL NOTIFY AN APPROPRIATE PROCUREMENT
10 ORGANIZATION. THE HOSPITAL SHALL COOPERATE IN THE IMPLEMENTATION
11 OF THE ANATOMICAL GIFT OR RELEASE AND REMOVAL OF A PART.

12 (6) A PERSON WHO FAILS TO DISCHARGE THE DUTIES IMPOSED BY
13 THIS SECTION IS NOT SUBJECT TO CRIMINAL OR CIVIL LIABILITY BUT IS
14 SUBJECT TO APPROPRIATE ADMINISTRATIVE SANCTIONS.

15 SEC. 10121. (1) THE FOLLOWING PERSONS MAY BECOME DONEES OF
16 ANATOMICAL GIFTS FOR THE PURPOSES STATED:

17 (A) A HOSPITAL, PHYSICIAN, OR PROCUREMENT ORGANIZATION, FOR
18 TRANSPLANTATION, THERAPY, MEDICAL OR DENTAL EDUCATION, RESEARCH,
19 OR ADVANCEMENT OF MEDICAL OR DENTAL SCIENCE.

20 (B) AN ACCREDITED MEDICAL OR DENTAL SCHOOL, COLLEGE, OR UNI-
21 VERSITY FOR EDUCATION, RESEARCH, OR ADVANCEMENT OF MEDICAL OR
22 DENTAL SCIENCE.

23 (C) A DESIGNATED INDIVIDUAL FOR TRANSPLANTATION OR THERAPY
24 NEEDED BY THAT INDIVIDUAL.

25 (2) AN ANATOMICAL GIFT MAY BE MADE TO A DESIGNATED DONEE OR
26 WITHOUT DESIGNATING A DONEE. IF A DONEE IS NOT DESIGNATED OR IF

1 THE DONEE IS NOT AVAILABLE OR REJECTS THE ANATOMICAL GIFT, THE
2 ANATOMICAL GIFT MAY BE ACCEPTED BY ANY HOSPITAL.

3 (3) IF A DONEE KNOWS OF THE DECEDENT'S REFUSAL OR CONTRARY
4 INDICATIONS TO MAKE AN ANATOMICAL GIFT OR THAT AN ANATOMICAL GIFT
5 BY A MEMBER OF A CLASS HAVING PRIORITY TO ACT IS OPPOSED BY A
6 MEMBER OF THE SAME CLASS OR A PRIOR CLASS UNDER SECTION 10115(1),
7 THE DONEE SHALL NOT ACCEPT THE ANATOMICAL GIFT.

8 SEC. 10123. (1) DELIVERY OF A DOCUMENT OF GIFT DURING THE
9 DONOR'S LIFETIME IS NOT REQUIRED FOR THE VALIDITY OF AN ANATOM-
10 ICAL GIFT.

11 (2) IF AN ANATOMICAL GIFT IS MADE TO A DESIGNATED DONEE, THE
12 DOCUMENT OF GIFT, OR A COPY, MAY BE DELIVERED TO THE DONEE TO
13 EXPEDITE THE APPROPRIATE PROCEDURES AFTER DEATH. THE DOCUMENT OF
14 GIFT, OR A COPY, MAY BE DEPOSITED IN ANY HOSPITAL, PROCUREMENT
15 ORGANIZATION, OR REGISTRY OFFICE THAT ACCEPTS IT FOR SAFEKEEPING
16 OR FOR FACILITATION OF PROCEDURES AFTER DEATH. ON REQUEST OF AN
17 INTERESTED PERSON, UPON OR AFTER THE DONOR'S DEATH, THE PERSON IN
18 POSSESSION SHALL ALLOW THE INTERESTED PERSON TO EXAMINE OR COPY
19 THE DOCUMENT OF GIFT.

20 SEC. 10125. (1) RIGHTS OF A DONEE CREATED BY AN ANATOMICAL
21 GIFT ARE SUPERIOR TO RIGHTS OF OTHERS EXCEPT WITH RESPECT TO
22 AUTOPSIES AS PROVIDED UNDER SECTION 10131(2). A DONEE MAY ACCEPT
23 OR REJECT AN ANATOMICAL GIFT. IF A DONEE ACCEPTS AN ANATOMICAL
24 GIFT OF AN ENTIRE BODY, THE DONEE, SUBJECT TO THE TERMS OF THE
25 GIFT, MAY ALLOW EMBALMING AND USE OF THE BODY IN FUNERAL
26 SERVICES. IF THE GIFT IS OF A PART OF A BODY, THE DONEE, UPON
27 THE DEATH OF THE DONOR AND BEFORE EMBALMING, SHALL CAUSE THE PART

1 TO BE REMOVED WITHOUT UNNECESSARY MUTILATION. AFTER REMOVAL OF
2 THE PART, CUSTODY OF THE REMAINDER OF THE BODY VESTS IN THE
3 PERSON UNDER OBLIGATION TO DISPOSE OF THE BODY.

4 (2) THE TIME OF DEATH SHALL BE DETERMINED BY A PHYSICIAN WHO
5 ATTENDS THE DONOR AT DEATH OR, IF NONE, THE PHYSICIAN WHO CERTI-
6 FIES THE DEATH. NEITHER THE PHYSICIAN WHO ATTENDS THE DONOR AT
7 DEATH NOR THE PHYSICIAN WHO DETERMINES THE TIME OF DEATH SHALL
8 PARTICIPATE IN THE PROCEDURES FOR REMOVING OR TRANSPLANTING A
9 PART UNLESS THE DOCUMENT OF GIFT DESIGNATES A PARTICULAR PHYSI-
10 CIAN PURSUANT TO SECTION 10113(4).

11 (3) IF THERE HAS BEEN AN ANATOMICAL GIFT, A TECHNICIAN MAY
12 REMOVE ANY DONATED PARTS AND AN ENUCLEATOR MAY REMOVE ANY DONATED
13 EYES OR PARTS OF EYES, AFTER DETERMINATION OF DEATH BY A
14 PHYSICIAN.

15 SEC. 10127. EACH HOSPITAL IN THIS STATE, AFTER CONSULTATION
16 WITH OTHER HOSPITALS AND PROCUREMENT ORGANIZATIONS, SHALL ESTAB-
17 LISH AGREEMENTS OR AFFILIATIONS FOR COORDINATION OF PROCUREMENT
18 AND USE OF HUMAN BODIES AND PARTS.

19 SEC. 10131. (1) AN ANATOMICAL GIFT AUTHORIZES ANY REASON-
20 ABLE EXAMINATION NECESSARY TO ASSURE MEDICAL ACCEPTABILITY OF THE
21 GIFT FOR THE PURPOSES INTENDED.

22 (2) THIS PART IS SUBJECT TO THE LAWS OF THIS STATE GOVERNING
23 AUTOPSIES.

24 (3) A HOSPITAL, PHYSICIAN, MEDICAL EXAMINER, LOCAL HEALTH
25 OFFICER, ENUCLEATOR, TECHNICIAN, OR OTHER PERSON WHO ACTS IN
26 ACCORDANCE WITH THIS PART OR WITH THE APPLICABLE ANATOMICAL GIFT
27 LAW OF ANOTHER STATE OR A FOREIGN COUNTRY OR ATTEMPTS IN GOOD

1 FAITH TO DO SO IS NOT LIABLE FOR THAT ACT IN A CIVIL ACTION OR
2 CRIMINAL PROCEEDING.

3 (4) AN INDIVIDUAL WHO MAKES AN ANATOMICAL GIFT PURSUANT TO
4 SECTION 10113 OR 10115 AND THE INDIVIDUAL'S ESTATE ARE NOT LIABLE
5 FOR ANY INJURY OR DAMAGE THAT MAY RESULT FROM THE MAKING OR THE
6 USE OF THE ANATOMICAL GIFT.

7 SEC. 10133. THE AMENDATORY ACT THAT ADDED THIS SECTION
8 APPLIES TO A DOCUMENT OF GIFT, A REVOCATION, OR A REFUSAL TO MAKE
9 AN ANATOMICAL GIFT BY THE DONOR OR AN INDIVIDUAL AUTHORIZED TO
10 MAKE OR OBJECT TO MAKING AN ANATOMICAL GIFT SIGNED ON OR AFTER
11 THE EFFECTIVE DATE OF THIS SECTION.

12 SEC. 10135. THIS PART SHALL BE APPLIED AND CONSTRUED TO
13 EFFECTUATE ITS GENERAL PURPOSE TO MAKE UNIFORM THE LAW WITH
14 RESPECT TO THE SUBJECT OF THIS PART AMONG STATES ENACTING IT.

15 SEC. 10151. THIS PART SHALL BE KNOWN AND MAY BE CITED AS
16 THE "UNIFORM ANATOMICAL GIFT ACT".

17 Section 2. Sections 10101 to 10109 of Act No. 368 of the
18 Public Acts of 1978, being sections 333.10101 to 333.10109 of the
19 Michigan Compiled Laws, are repealed.