



SENATE BILL No. 1154

May 18, 1994, Introduced by Senator PRIDNIA and referred to
the Committee on Health Policy and Senior Citizens

A bill to amend sections 2855, 10202 and 10203 of Act
No 368 of the Public Acts of 1978 entitled as amended
"Public health code,"
section 2855 as amended by Act No 3 of the Public Acts of 1982
and section 10202 as amended by Act No 158 of the Public Acts of
1982 being sections 333 2855, 333 10202, and 333 10203 of the
Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 2855 10202, and 10203 of Act No 368
2 of the Public Acts of 1978, section 2855 as amended by Act No 3
3 of the Public Acts of 1982 and section 10202 as amended by Act
4 No 158 of the Public Acts of 1982, being sections 333 2855,
5 333 10202, and 333 10203 of the Michigan Compiled Laws, are
6 amended to read as follows

1 Sec 2855 (1) An autopsy shall not be performed upon the
2 body of a deceased individual except by a physician who has been
3 granted written consent to perform the autopsy by whichever 1 of
4 the following individuals assumes custody of the body for pur-
5 poses of burial parent, surviving spouse, guardian or next of
6 kin of the deceased individual or by an individual charged by law
7 with the responsibility for burial of the body If 2 or more of
8 those individuals assume custody of the body, the consent of 1 is
9 sufficient This section ~~shall~~ DOES not prevent the ordering
10 of an autopsy by a medical examiner or a local health officer

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

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

18 (4) A physician, including a medical examiner, performing an
19 autopsy pursuant to subsection (1), (2), or (3) may remove,
20 retain, or use the pituitary gland of the deceased individual if
21 the removal, retention, or use of the pituitary gland is for pur-
22 poses of medical research, education, or therapy, and the physi-
23 cian ~~is~~ MEETS BOTH OF THE FOLLOWING

24 (A) IS unaware of any direction made by the deceased indi-
25 vidual before death or of an objection made by the next of kin of
26 the deceased individual that a part of the deceased individual's
27 body not be removed

1 (B) IF THE PHYSICIAN IS UNAWARE OF EITHER OF THE CONDITIONS
2 DESCRIBED IN SUBDIVISION (A), THE PHYSICIAN, BEFORE REMOVING THE
3 DECEASED INDIVIDUAL'S PITUITARY GLAND, HAS MADE A DILIGENT EFFORT
4 TO LOCATE AND NOTIFY THE DECEASED INDIVIDUAL'S NEXT OF KIN OF THE
5 PHYSICIAN'S INTENT TO REMOVE THE DECEASED INDIVIDUAL'S PITUITARY
6 GLAND UNDER THIS SUBSECTION AND TO ASK THE NEXT OF KIN WHETHER HE
7 OR SHE OBJECTS TO THE REMOVAL THIS SUBDIVISION DOES NOT APPLY
8 IF THE PHYSICIAN HAS OBTAINED CONSENT UNDER SUBSECTION (5)

9 (5) If consent for the performance of the autopsy is
10 required pursuant to subsection (1), the physician shall obtain
11 consent from the same individual for the removal, retention, or
12 use of the pituitary gland of the deceased individual pursuant to
13 subsection (4)

14 (6) Except for a reasonable charge related to the actual
15 costs incurred and incident to removing and handling the pitu-
16 itary gland, the removed pituitary gland shall be submitted,
17 without charge, to hospitals, medical education or research
18 institutions, or to individuals or organizations for the purpose
19 of treating another human being The hospital, medical education
20 or research institution, or other individual or organization
21 receiving the PITUITARY gland shall agree to furnish the
22 PITUITARY gland, or a hormone produced from the PITUITARY gland,
23 without charge

24 Sec 10202 (1) ~~In~~ SUBJECT TO SUBSECTION (2), IN any
25 case in which an autopsy is to be done by a county medical
26 examiner or IN WHICH a county medical examiner causes an autopsy

1 to be done, the cornea of the deceased person may be removed by a
2 person authorized by the county medical examiner

3 (2) Removal OF A DECEASED PERSON'S CORNEA under subsection
4 (1) may be made only under the following circumstances

5 (a) An autopsy has already been authorized by the county
6 medical examiner

7 (B) BEFORE REMOVING THE DECEDENT'S CORNEA OR CAUSING IT TO
8 BE REMOVED, THE COUNTY MEDICAL EXAMINER HAS MADE A DILIGENT
9 EFFORT TO LOCATE AND NOTIFY THE DECEDENT'S NEXT OF KIN OF THE
10 COUNTY MEDICAL EXAMINER'S INTENT TO REMOVE THE DECEDENT'S CORNEA
11 UNDER THIS SECTION AND TO ASK THE NEXT OF KIN IF HE OR SHE
12 OBJECTS TO THE REMOVAL

13 (C) ~~-(b)-~~ The county medical examiner does not have knowl-
14 edge of an objection by the next of kin of the decedent to the
15 removal of the cornea

16 (D) ~~-(e)-~~ The removal of the cornea will not interfere with
17 the course of any subsequent investigation or autopsy or alter
18 THE DECEDENT'S post-mortem facial appearance

19 Sec 10203 ~~-The-~~ IF THE COUNTY MEDICAL EXAMINER COMPLIES
20 WITH SECTION 10202(2), THE county medical examiner, the
21 ~~-assistant-~~ DEPUTY county medical examiner, a bank or storage
22 facility, or any person authorized by the county medical examiner
23 to remove the cornea of a deceased person UNDER SECTION 10202,
24 ~~-shall-~~ IS not ~~-be-~~ liable in a civil action if it is subse-
25 quently alleged that authorization for the removal was required
26 of the DECEDENT'S next of kin