

SUBSTITUTE FOR  
SENATE BILL NO. 1228

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 10204 (MCL 333.10204), as amended by 1988 PA  
63.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 10204. (1) Except as otherwise provided in subsection  
2 (2), a person shall not knowingly acquire, receive, or otherwise  
3 transfer a human organ or part of a human organ for valuable con-  
4 sideration for any purpose, including but not limited to trans-  
5 plantation, implantation, infusion, injection, or other medical  
6 or scientific purpose. A person who violates this subsection is  
7 guilty of a felony.

8       (2) ~~This section~~ SUBSECTION (1) does not prohibit any of  
9 the following practices:

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1 (a) The removal and use of a human cornea pursuant to  
2 section 10202, or the removal and use of a human pituitary gland  
3 pursuant to section 2855.

4 (b) An anatomical gift pursuant to part 101, or the acquisi-  
5 tion or distribution of bodies or parts by the ~~anatomy board~~  
6 DIRECTOR pursuant to sections 2651 to 2663.

7 (c) Financial assistance payments provided under a plan of  
8 insurance or other health care coverage.

9 (3) ONLY AN INDIVIDUAL WHO IS 1 OF THE FOLLOWING MAY SURGI-  
10 CALLY REMOVE A HUMAN ORGAN FOR TRANSPLANTATION, IMPLANTATION,  
11 INFUSION, INJECTION, OR ANY OTHER MEDICAL OR SCIENTIFIC PURPOSE:

12 (A) A PHYSICIAN LICENSED UNDER ARTICLE 15.

13 (B) AN INDIVIDUAL EMPLOYED BY AND ACTING UNDER THE DIRECTION  
14 OF A FEDERALLY DESIGNATED ORGAN PROCUREMENT ORGANIZATION OR A  
15 TISSUE BANK OR EYE BANK REGISTERED WITH THE FEDERAL FOOD AND DRUG  
16 ADMINISTRATION IN THE COURSE OF HIS OR HER EMPLOYMENT.

17 (C) AN INDIVIDUAL ACTING UNDER THE DELEGATORY AUTHORITY AND  
18 SUPERVISION OF A PHYSICIAN PURSUANT TO SECTION 16215(2), BUT NOT  
19 INCLUDING AN INDIVIDUAL WHOSE LICENSE HAS BEEN SUSPENDED UNDER  
20 ARTICLE 15.

21 (D) FOR THE PURPOSES OF SURGICALLY REMOVING A HUMAN ORGAN  
22 THAT IS AN EYE OR A PHYSICAL PART OF AN EYE ONLY, AN INDIVIDUAL  
23 CERTIFIED BY A STATE MEDICAL SCHOOL AS DESCRIBED IN  
24 SECTION 10105.

25 (4) AN INDIVIDUAL WHO SURGICALLY REMOVES A HUMAN ORGAN FOR  
26 TRANSPLANTATION, IMPLANTATION, INFUSION, INJECTION, OR ANY OTHER  
MEDICAL OR SCIENTIFIC PURPOSE SHALL PERFORM THE SURGERY ONLY IN A  
HOSPITAL LICENSED UNDER ARTICLE 17 OR IN ANOTHER FACILITY APPROVED  
BY THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY HEALTH.

(5) AN INDIVIDUAL WHO VIOLATES SUBSECTION (3) OR (4) IS GUILTY  
OF A FELONY.

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1       (6) ~~-(3)-~~ As used in this section:

2       (a) "Human organ" means the human kidney, liver, heart,  
3 lung, pancreas, bone marrow, cornea, eye, bone, skin, cartilage,  
4 dura mater, ligaments, tendons, fascia, pituitary gland, and  
5 middle ear structures and any other human organ specified by rule  
6 promulgated by the department. Human organ does not include  
7 whole blood, blood plasma, blood products, blood derivatives,  
8 other self-replicating body fluids, or human hair.

9       (b) "Valuable consideration" does not include the reasonable  
10 payments associated with the removal, transportation, implanta-  
11 tion, processing, preservation, quality control, and storage of a  
12 human organ or the medical expenses and expenses of travel, hous-  
13 ing, and lost wages incurred by the donor of a human organ in  
14 connection with the donation of the human organ.

15       (7) ~~-(4)-~~ The department may promulgate rules to specify  
16 human organs in addition to the human organs listed in subsection  
17 ~~-(3)(a)-~~ (6)(A).