

# HOUSE BILL No. 5686

March 12, 1998, Introduced by Reps. Baird and Martinez and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding sections 10111, 10113,  
10115, 10117, 10119, 10121, 10123, 10125, 10127, 10129, 10131,  
10133, and 10151; and to repeal acts and parts of acts.

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

1        SEC. 10111. AS USED IN THIS PART:

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

4        (B) "COUNTY MEDICAL EXAMINER" MEANS A COUNTY MEDICAL  
5 EXAMINER OR DEPUTY MEDICAL EXAMINER APPOINTED UNDER 1953 PA 181,  
6 MCL 52.201 TO 52.216.

7        (C) "DECEDENT" MEANS A DECEASED INDIVIDUAL AND INCLUDES A  
8 STILLBORN INFANT OR FETUS.

1 (D) "DOCUMENT OF GIFT" MEANS A CARD, A STATEMENT ATTACHED TO  
2 OR IMPRINTED ON A MOTOR VEHICLE OPERATOR'S OR CHAUFFEUR'S  
3 LICENSE, A WILL, OR ANOTHER WRITING USED TO MAKE AN ANATOMICAL  
4 GIFT.

5 (E) "DONOR" MEANS AN INDIVIDUAL WHO MAKES AN ANATOMICAL GIFT  
6 OF ALL OR PART OF THE INDIVIDUAL'S BODY.

7 (F) "ENUCLEATOR" MEANS A PHYSICIAN LICENSED UNDER ARTICLE 15  
8 WHO IS QUALIFIED TO REMOVE OR PROCESS EYES OR PARTS OF EYES AS  
9 PART OF AN ANATOMICAL GIFT OR ORGAN TRANSPLANT.

10 (G) "HOSPITAL" MEANS A FACILITY LICENSED, ACCREDITED, OR  
11 APPROVED AS A HOSPITAL UNDER THE LAW OF ANY STATE OR A FACILITY  
12 OPERATED AS A HOSPITAL BY THE UNITED STATES GOVERNMENT, A STATE,  
13 OR A POLITICAL SUBDIVISION OF A STATE.

14 (H) "PART" MEANS AN ORGAN, TISSUE, EYE, BONE, ARTERY, BLOOD,  
15 FLUID, OR OTHER PORTION OF A HUMAN BODY.

16 (I) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, BUSINESS  
17 TRUST, ESTATE, TRUST, PARTNERSHIP, JOINT VENTURE, ASSOCIATION,  
18 GOVERNMENT, GOVERNMENTAL SUBDIVISION OR AGENCY, OR ANY OTHER  
19 LEGAL OR COMMERCIAL ENTITY.

20 (J) "PHYSICIAN" MEANS AN INDIVIDUAL LICENSED OR OTHERWISE  
21 AUTHORIZED TO PRACTICE ALLOPATHIC MEDICINE OR OSTEOPATHIC MEDI-  
22 CINE AND SURGERY UNDER THE LAWS OF ANY STATE.

23 (K) "PROCUREMENT ORGANIZATION" MEANS A PERSON LICENSED,  
24 ACCREDITED, OR APPROVED UNDER THE LAWS OF ANY STATE FOR PROCURE-  
25 MENT, DISTRIBUTION, OR STORAGE OF HUMAN BODIES OR PARTS.

1       (1) "STATE" MEANS A STATE, TERRITORY, OR POSSESSION OF THE  
2 UNITED STATES, THE DISTRICT OF COLUMBIA, OR THE COMMONWEALTH OF  
3 PUERTO RICO.

4       (M) "TECHNICIAN" MEANS A HEALTH PROFESSIONAL LICENSED UNDER  
5 ARTICLE 15 AND QUALIFIED TO REMOVE OR PROCESS A PART IN THE  
6 COURSE OF AN ANATOMICAL GIFT OR ORGAN TRANSPLANT.

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

9       (A) MAKE AN ANATOMICAL GIFT FOR 1 OR MORE OF THE PURPOSES  
10 STATED IN SECTION 10121.

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

13       (C) REFUSE TO MAKE AN ANATOMICAL GIFT.

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

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

25       (4) A DOCUMENT OF GIFT MAY DESIGNATE A PARTICULAR PHYSICIAN  
26 TO CARRY OUT THE APPROPRIATE PROCEDURES. IN THE ABSENCE OF SUCH  
27 A DESIGNATION OR IF THE DESIGNEE IS NOT AVAILABLE, THE DONEE OR

1 OTHER PERSON AUTHORIZED TO ACCEPT THE ANATOMICAL GIFT MAY EMPLOY  
2 OR AUTHORIZE ANY PHYSICIAN, TECHNICIAN, OR ENUCLEATOR TO CARRY  
3 OUT THE APPROPRIATE PROCEDURES.

4 (5) AN ANATOMICAL GIFT BY WILL TAKES EFFECT UPON THE DEATH  
5 OF THE TESTATOR, WHETHER OR NOT THE WILL IS PROBATED. IF, AFTER  
6 DEATH, THE WILL IS DECLARED INVALID FOR TESTAMENTARY PURPOSES,  
7 THE ANATOMICAL GIFT CONTAINED IN THE WILL IS UNAFFECTED AND IS  
8 STILL VALID.

9 (6) SUBJECT TO SUBSECTION (7), A DONOR MAY AMEND OR REVOKE  
10 AN ANATOMICAL GIFT NOT MADE BY WILL ONLY BY 1 OR MORE OF THE FOL-  
11 LOWING METHODS:

12 (A) A SIGNED STATEMENT.

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

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

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

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

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

25 (9) EXCEPT AS PROVIDED IN SUBSECTION (10), AN INDIVIDUAL MAY  
26 REFUSE TO MAKE AN ANATOMICAL GIFT OF THE INDIVIDUAL'S BODY OR  
27 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 THE INDIVIDUAL'S  
4 MOTOR 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) OR (10).

19 SEC. 10115. (1) A MEMBER OF THE FOLLOWING CLASSES OF INDI-  
20 VIDUALS, IN THE ORDER OF PRIORITY LISTED, MAY MAKE AN ANATOMICAL  
21 GIFT OF ALL OR A PART OF A DECEDENT'S BODY FOR A PURPOSE STATED  
22 IN SECTION 10121, UNLESS THE DECEDENT, AT THE TIME OF DEATH, HAS  
23 MADE AN 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.

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

(E) A GRANDPARENT OF THE DECEDENT.

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

(2) AN INDIVIDUAL LISTED IN SUBSECTION (1) SHALL NOT MAKE AN ANATOMICAL GIFT IF 1 OR MORE OF THE FOLLOWING CONDITIONS EXIST:

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

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

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

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

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

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

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

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

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

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

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

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

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

21       (E) THE REMOVAL WILL NOT INTERFERE WITH AN AUTOPSY OR INVES-  
22 TIGATION CONDUCTED OR ORDERED BY THE COUNTY MEDICAL EXAMINER OR  
23 WITH A CRIMINAL INVESTIGATION.

24       (F) THE REMOVAL WILL BE IN ACCORDANCE WITH ACCEPTED MEDICAL  
25 STANDARDS OF PRACTICE.

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

1       (2) IF A BODY IS NOT WITHIN THE LAWFUL CUSTODY OF THE COUNTY  
2 MEDICAL EXAMINER, THE LOCAL HEALTH OFFICER MAY RELEASE AND PERMIT  
3 THE REMOVAL OF A PART FROM THE BODY FOR TRANSPLANTATION OR THER-  
4 APY IF THE BODY IS IN THE LAWFUL CUSTODY OF THE LOCAL HEALTH  
5 OFFICER AND IF THE LOCAL HEALTH OFFICER COMPLIES WITH THE  
6 REQUIREMENTS OF SUBSECTION (1) IN THE SAME MANNER AS A COUNTY  
7 MEDICAL EXAMINER.

8       (3) A COUNTY MEDICAL EXAMINER OR LOCAL HEALTH OFFICER  
9 RELEASING AND PERMITTING THE REMOVAL OF A PART UNDER THIS SECTION  
10 SHALL MAINTAIN A PERMANENT RECORD OF THE NAME OF THE DECEDENT,  
11 THE NAME OF THE PERSON MAKING THE REQUEST, THE DATE AND PURPOSE  
12 OF THE REQUEST, THE PART REQUESTED, AND THE NAME OF THE PERSON TO  
13 WHOM THE PART WAS RELEASED.

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

16       SEC. 10119. (1) UPON OR BEFORE ADMISSION OF A PATIENT TO A  
17 HOSPITAL, OR AS SOON AS POSSIBLE AFTER A PATIENT'S ADMISSION TO A  
18 HOSPITAL, AN INDIVIDUAL DESIGNATED BY THE HOSPITAL SHALL ASK THE  
19 PATIENT THE FOLLOWING QUESTION, IF THE PATIENT IS AT LEAST 18  
20 YEARS OF AGE: "ARE YOU AN ORGAN OR TISSUE DONOR?" IF THE  
21 PATIENT'S ANSWER IS AFFIRMATIVE, THE INDIVIDUAL DESIGNATED BY THE  
22 HOSPITAL SHALL REQUEST FROM THE PATIENT A COPY OF THE DOCUMENT OF  
23 GIFT. IF THE ANSWER IS NEGATIVE OR THERE IS NO ANSWER AND THE  
24 ATTENDING PHYSICIAN CONSENTS, THE INDIVIDUAL DESIGNATED BY THE  
25 HOSPITAL SHALL DISCUSS WITH THE PATIENT THE OPTION OF MAKING OR  
26 REFUSING TO MAKE AN ANATOMICAL GIFT. THE ANSWER TO THE QUESTION  
27 ASKED UNDER THIS SUBSECTION, AN AVAILABLE COPY OF A DOCUMENT OF



1 GIFT OR OF A REFUSAL TO MAKE AN ANATOMICAL GIFT, AND ANY OTHER  
2 RELEVANT INFORMATION SHALL BE PLACED IN THE PATIENT'S MEDICAL  
3 RECORD.

4 (2) IF, AT OR NEAR THE TIME OF DEATH OF A PATIENT, THERE IS  
5 NO MEDICAL RECORD THAT THE PATIENT HAS MADE OR REFUSED TO MAKE AN  
6 ANATOMICAL GIFT, THE HOSPITAL ADMINISTRATOR OR AN INDIVIDUAL DES-  
7 IGNATED BY THE HOSPITAL ADMINISTRATOR SHALL DISCUSS THE OPTION OF  
8 MAKING OR REFUSING TO MAKE AN ANATOMICAL GIFT AND SHALL REQUEST  
9 THAT AN ANATOMICAL GIFT BE MADE PURSUANT TO SECTION 10115(1).  
10 THE REQUEST SHALL BE MADE WITH REASONABLE DISCRETION AND SENSI-  
11 TIVITY TO THE CIRCUMSTANCES OF THE FAMILY. A REQUEST UNDER THIS  
12 SUBSECTION IS NOT REQUIRED IF THE GIFT IS NOT SUITABLE BASED UPON  
13 ACCEPTED MEDICAL STANDARDS, FOR A PURPOSE SPECIFIED IN  
14 SECTION 10121. AN ENTRY SHALL BE MADE IN THE MEDICAL RECORD OF  
15 THE PATIENT, STATING THE NAME AND AFFILIATION OF THE INDIVIDUAL  
16 MAKING THE REQUEST UNDER THIS SUBSECTION, AND THE NAME, RESPONSE,  
17 AND RELATIONSHIP TO THE PATIENT OF THE INDIVIDUAL TO WHOM THE  
18 REQUEST WAS MADE. THE DIRECTOR SHALL PROMULGATE RULES TO IMPLE-  
19 MENT THIS SUBSECTION.

20 (3) THE FOLLOWING PERSONS SHALL MAKE A REASONABLE SEARCH FOR  
21 A DOCUMENT OF GIFT OR OTHER INFORMATION IDENTIFYING THE BEARER AS  
22 A DONOR OR AS AN INDIVIDUAL WHO HAS REFUSED TO MAKE AN ANATOMICAL  
23 GIFT:

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

1 (B) A HOSPITAL, UPON THE ADMISSION OF AN INDIVIDUAL AT OR  
2 NEAR THE TIME OF THE INDIVIDUAL'S DEATH, IF THERE IS NOT  
3 IMMEDIATELY AVAILABLE ANOTHER SOURCE OF THAT INFORMATION.

4 (4) IF A DOCUMENT OF GIFT OR EVIDENCE OF REFUSAL TO MAKE AN  
5 ANATOMICAL GIFT IS LOCATED BY THE SEARCH REQUIRED UNDER  
6 SUBSECTION (3)(A), AND THE INDIVIDUAL OR BODY TO WHOM IT RELATES  
7 IS TAKEN TO A HOSPITAL, THE INDIVIDUAL FINDING THE INFORMATION  
8 SHALL NOTIFY THE HOSPITAL OF THE INFORMATION AND SEND THE DOCU-  
9 MENT OF GIFT OR EVIDENCE OF REFUSAL TO THE HOSPITAL.

10 (5) IF, AT OR NEAR THE TIME OF A PATIENT'S DEATH, A HOSPITAL  
11 KNOWS THAT AN ANATOMICAL GIFT HAS BEEN MADE PURSUANT TO  
12 SECTION 10115(1) OR A RELEASE AND REMOVAL OF A PART IS PERMITTED  
13 PURSUANT TO SECTION 10117, OR THAT A PATIENT OR AN INDIVIDUAL  
14 IDENTIFIED AS IN TRANSIT TO THE HOSPITAL IS A DONOR, THE HOSPITAL  
15 SHALL NOTIFY THE DONEE IF A DONEE IS NAMED AND KNOWN TO THE HOS-  
16 PITAL; IF NOT, THE HOSPITAL SHALL NOTIFY AN APPROPRIATE PROCURE-  
17 MENT ORGANIZATION. THE HOSPITAL SHALL COOPERATE IN THE IMPLEMEN-  
18 TATION OF THE ANATOMICAL GIFT OR RELEASE AND REMOVAL OF A PART.

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

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

24 (A) A HOSPITAL, PHYSICIAN, OR PROCUREMENT ORGANIZATION, FOR  
25 TRANSPLANTATION, THERAPY, MEDICAL OR DENTAL EDUCATION, RESEARCH,  
26 OR ADVANCEMENT OF MEDICAL OR DENTAL SCIENCE.

1 (B) AN ACCREDITED MEDICAL OR DENTAL SCHOOL, COLLEGE, OR  
2 UNIVERSITY FOR EDUCATION, RESEARCH, OR ADVANCEMENT OF MEDICAL OR  
3 DENTAL SCIENCE.

4 (C) A DESIGNATED INDIVIDUAL FOR TRANSPLANTATION OR THERAPY  
5 NEEDED BY THAT INDIVIDUAL.

6 (2) AN ANATOMICAL GIFT MAY BE MADE TO A DESIGNATED DONEE OR  
7 WITHOUT DESIGNATING A DONEE. IF A DONEE IS NOT DESIGNATED OR IF  
8 THE DONEE IS NOT AVAILABLE OR REJECTS THE ANATOMICAL GIFT, THE  
9 ANATOMICAL GIFT MAY BE ACCEPTED BY ANY HOSPITAL.

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

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

18 (2) IF AN ANATOMICAL GIFT IS MADE TO A DESIGNATED DONEE, THE  
19 DOCUMENT OF GIFT, OR A COPY OF THE DOCUMENT OF GIFT, MAY BE  
20 DELIVERED TO THE DONEE TO EXPEDITE THE APPROPRIATE PROCEDURES  
21 AFTER DEATH. THE DOCUMENT OF GIFT, OR A COPY OF THE DOCUMENT OF  
22 GIFT, MAY BE DEPOSITED IN A HOSPITAL, PROCUREMENT ORGANIZATION,  
23 OR REGISTRY OFFICE THAT ACCEPTS THE DOCUMENT OF GIFT FOR SAFE-  
24 KEEPING OR FOR FACILITATION OF PROCEDURES AFTER DEATH. UPON THE  
25 REQUEST OF AN INTERESTED PERSON, UPON OR AFTER THE DONOR'S DEATH,  
26 THE PERSON IN POSSESSION OF THE DOCUMENT OF GIFT SHALL ALLOW THE  
27 INTERESTED PERSON TO EXAMINE OR COPY THE DOCUMENT OF GIFT.

1        SEC. 10125. (1) RIGHTS OF A DONEE CREATED BY AN ANATOMICAL  
2 GIFT ARE SUPERIOR TO RIGHTS OF OTHERS EXCEPT WITH RESPECT TO  
3 AUTOPSIES AS PROVIDED UNDER SECTION 10129(2). A DONEE MAY ACCEPT  
4 OR REJECT AN ANATOMICAL GIFT. IF A DONEE ACCEPTS AN ANATOMICAL  
5 GIFT OF AN ENTIRE BODY, THE DONEE, SUBJECT TO THE TERMS OF THE  
6 ANATOMICAL GIFT, MAY ALLOW EMBALMING AND USE OF THE BODY IN  
7 FUNERAL SERVICES. IF THE GIFT IS OF A PART OF A BODY, THE DONEE,  
8 UPON THE DEATH OF THE DONOR AND BEFORE EMBALMING, SHALL CAUSE THE  
9 PART TO BE REMOVED WITHOUT UNNECESSARY MUTILATION. AFTER REMOVAL  
10 OF THE PART, CUSTODY OF THE REMAINDER OF THE BODY VESTS IN THE  
11 PERSON UNDER OBLIGATION TO DISPOSE OF THE BODY.

12        (2) THE TIME OF DEATH SHALL BE DETERMINED BY A PHYSICIAN WHO  
13 ATTENDS THE DONOR AT DEATH OR, IF NONE, THE PHYSICIAN WHO CERTI-  
14 FIES THE DEATH OR AS OTHERWISE PROVIDED BY LAW. NEITHER THE PHY-  
15 SICIAN WHO ATTENDS THE DONOR AT DEATH NOR THE PHYSICIAN WHO  
16 DETERMINES THE TIME OF DEATH SHALL PARTICIPATE IN THE PROCEDURES  
17 FOR REMOVING OR TRANSPLANTING A PART UNLESS THE DOCUMENT OF GIFT  
18 DESIGNATES A PARTICULAR PHYSICIAN PURSUANT TO SECTION 10113(4).

19        (3) IF THERE HAS BEEN AN ANATOMICAL GIFT, A TECHNICIAN MAY  
20 REMOVE A DONATED PART AND AN ENUCLEATOR MAY REMOVE ANY DONATED  
21 EYES OR PARTS OF EYES, AFTER DETERMINATION OF DEATH BY A  
22 PHYSICIAN.

23        SEC. 10127. EACH HOSPITAL IN THIS STATE, AFTER CONSULTATION  
24 WITH OTHER HOSPITALS AND PROCUREMENT ORGANIZATIONS, SHALL ESTAB-  
25 LISH AGREEMENTS OR AFFILIATIONS FOR COORDINATION OF PROCUREMENT  
26 AND USE OF HUMAN BODIES AND PARTS.

1        SEC. 10129. (1) AN ANATOMICAL GIFT AUTHORIZES ANY  
2 REASONABLE EXAMINATION NECESSARY TO ASSURE MEDICAL ACCEPTABILITY  
3 OF THE ANATOMICAL GIFT FOR THE PURPOSES INTENDED.

4        (2) THIS PART IS SUBJECT TO THE LAWS OF THIS STATE GOVERNING  
5 AUTOPSIES INCLUDING, BUT NOT LIMITED TO, 1953 PA 181, MCL 52.201  
6 TO 52.216.

7        (3) A HOSPITAL, PHYSICIAN, COUNTY MEDICAL EXAMINER, LOCAL  
8 HEALTH OFFICER, ENUCLEATOR, TECHNICIAN, OR OTHER PERSON WHO ACTS  
9 IN ACCORDANCE WITH THIS PART OR WITH THE APPLICABLE ANATOMICAL  
10 GIFT LAW OF ANOTHER STATE OR A FOREIGN COUNTRY OR ATTEMPTS IN  
11 GOOD FAITH TO DO SO IS NOT LIABLE FOR THAT ACT IN A CIVIL ACTION  
12 OR CRIMINAL PROCEEDING.

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

17        SEC. 10131. THE AMENDATORY ACT THAT ADDED THIS SECTION  
18 APPLIES TO A DOCUMENT OF GIFT, A REVOCATION, OR A REFUSAL TO MAKE  
19 AN ANATOMICAL GIFT BY THE DONOR OR AN INDIVIDUAL AUTHORIZED TO  
20 MAKE OR OBJECT TO MAKING AN ANATOMICAL GIFT SIGNED ON OR AFTER  
21 THE EFFECTIVE DATE OF THIS SECTION.

22        SEC. 10133. THIS PART SHALL BE APPLIED AND CONSTRUED TO  
23 EFFECTUATE ITS GENERAL PURPOSE TO MAKE UNIFORM THE LAW WITH  
24 RESPECT TO THE SUBJECT OF THIS PART AMONG STATES ENACTING IT.

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

1 Enacting section 1. Sections 10101 to 10109 of the public  
2 health code, 1978 PA 368, MCL 333.10101 to 333.10109, are  
3 repealed.