

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 381 (Substitute S-3 as reported)
Sponsor: Senator Leon Stille
Committee: Health Policy

CONTENT

The bill would amend the Public Health Code to provide that an individual who surgically removed a human organ for transplantation, implantation, infusion, injection, or any other medical or scientific purpose could perform the surgery only in a licensed hospital, or another facility approved by the Director of the Department of Community Health. The Director could promulgate rules to designate one or more approved facilities.

Further, the bill would require an individual who surgically removed a human organ consisting of tissue, a cornea, or a whole eye for transplantation, infusion, implantation, injection, or any other medical or scientific purpose to perform the surgery only in a licensed hospital; a facility approved by the Director; a mortuary that was part of a funeral establishment owned or operated by the holder of a license for the practice of mortuary science; or a morgue or a facility operated by an appointed county medical examiner.

A person who violated the bill would be guilty of a felony.

The bill is tie-barred to House Bill 4025, which would amend the Public Health Code to make it a felony for a person surgically to remove a human organ for transplantation or other purposes, unless the person was a licensed or certified health professional as specified in the bill.

Proposed MCL 333.10205

Legislative Analyst: G. Towne

FISCAL IMPACT

Senate Bill 381 (S-3) would have an indeterminate fiscal impact on State government.

There are no data to indicate how many people would be convicted of removing human organs in locations not authorized in the bill. The bill would establish the crime as a felony, which carries a maximum sentence of four years in prison and/or a fine of \$1,000. The crime would not be enumerated in the list subject to sentencing guidelines; therefore, the minimum sentence, which is determinate of the cost of incarceration, would be at the discretion of the sentencing judge. Assuming that a judge would sentence an offender to a minimum term of incarceration that was two-thirds of the maximum sentence, or 32 months, the cost of incarceration for this crime, assuming one offender a year was convicted, would be \$59,900.

Date Completed: 4-14-99

Fiscal Analyst: K. Firestone