

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 381 (as introduced 2-24-99)

Sponsor: Senator Leon Stille

Committee: Health Policy

Date Completed: 4-13-99

CONTENT

The bill would amend the Public Health Code to provide that the surgical removal of a human organ for transplantation, implantation, infusion, injection, or any other medical or scientific purpose could be performed only by the following persons:

- A licensed physician.
- A licensed health professional, a medical student, or a student in an approved physician's assistance training program, acting under the delegatory authority and supervision of a physician, unless the individual's license had been suspended or revoked.
- An individual employed by and acting under the direction of a Federally designated organ procurement organization, or a tissue bank or eye bank registered with the Federal Food and Drug Administration in the course of his or her employment.

Further, a person certified by a State medical school as qualified to perform eye removal, could surgically remove a human eye or physical part of an eye.

The bill provides 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.

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

MCL 333.10204

Legislative Analyst: G. Towne

FISCAL IMPACT

Senate Bill 381 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 without authorization as provided 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.

Fiscal Analyst: K. Firestone

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.