

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4025 (Substitute S-1 as reported)
Sponsor: Representative Andrew Richner
Senate Committee: Health Policy
House Committee: Criminal Law and Corrections

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 physician.
- A licensed health professional, medical student, or student in an approved physician's assistant training program, acting under the delegatory authority and supervision of a physician, but not an individual whose license had been suspended.
- An individual residing in another state, who was authorized to practice allopathic medicine or osteopathic medicine and surgery in that state, and who was called into Michigan by a physician licensed in Michigan to remove surgically one or more of the following for transport back to the other state: heart; liver; lung; pancreas; kidney; all or part of an intestine; and any other human organ specified by rule.
- A person certified by a State medical school as qualified to perform eye removal, who could surgically remove only a human eye or a physical part of an eye.

Further, the bill would allow a medical student or a student in a physician's assistant training program, under the delegatory authority and supervision of a physician, surgically to remove bone, skin, blood vessels, cartilage, dura mater, ligaments, tendons, pericardial tissue, or heart valves from a deceased person for transplantation or other medical or scientific purpose, and to perform acupuncture.

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

The bill would take effect September 1, 1999, and is tie-barred to Senate Bill 381. As passed by the House, Senate Bill 381 (H-1) would make it a felony to remove a human organ for transplantation in any place other than those facilities specified in the bill.

MCL 333.10204

Legislative Analyst: G. Towne

FISCAL IMPACT

House Bill 4025 (S-3) would have an indeterminate fiscal impact on State and local government. It appears that there were no convictions in 1997 for acquiring, receiving, or otherwise transferring a human organ as currently prohibited. There are no data to indicate how many people could be convicted under the bill, which would create a separate offense depending upon an individual's professional qualifications. A felony has a maximum sentence of four years and/or a fine of \$2,000, if no other penalty is specified.

Date Completed: 5-25-99

Fiscal Analyst: K. Firestone