

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4025 (Substitute H-3 as passed by the House)

Sponsor: Representative Andrew Richner

Senate Committee: Health Policy

House Committee: Criminal Law and Corrections

Date Completed: 5-13-99

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 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.

A person who violated these provisions would be guilty of a felony.

Further, the bill would allow certain health professional students to remove certain organs from a deceased person. Currently, a task that requires the use of a surgical instrument may be delegated by a physician only to a licensed health professional. This provision does not apply if the unlicensed individual is a medical or osteopathic student, or is enrolled in a physician's assistant training program and the individual is under the direct supervision of a licensed physician who is physically present during the procedure; or if the unlicensed individual is performing acupuncture. The bill also would allow a medical student or a student in a physician's assistant training program 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.

The bill is tie-barred to Senate Bill 381. As passed by the House, Senate Bill 381 (H-1) would amend the Public Health Code to make it a felony for an individual 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 (H-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.

Fiscal Analyst: K. Firestone