

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 381

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 10205.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 10205. (1) EXCEPT AS OTHERWISE PROVIDED IN
2 SUBSECTIONS (2) AND (3), AN INDIVIDUAL WHO SURGICALLY REMOVES A
3 HUMAN ORGAN FOR TRANSPLANTATION, IMPLANTATION, INFUSION, INJEC-
4 TION, OR ANY OTHER MEDICAL OR SCIENTIFIC PURPOSE SHALL PERFORM
5 THE SURGERY ONLY IN 1 OF THE FOLLOWING FACILITIES:

6 (A) A HOSPITAL LICENSED UNDER ARTICLE 17.

7 (B) A FACILITY APPROVED BY THE DIRECTOR OF THE DEPARTMENT OF
8 CONSUMER AND INDUSTRY SERVICES UNDER SUBSECTION (4).

9 (2) AN INDIVIDUAL WHO SURGICALLY REMOVES A HUMAN ORGAN
10 CONSISTING OF TISSUE, A CORNEA, OR A WHOLE EYE FOR
11 TRANSPLANTATION, IMPLANTATION, INFUSION, INJECTION, OR ANY OTHER

SB0381, As Passed House, May 5, 1999

Senate Bill No. 381

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1 MEDICAL OR SCIENTIFIC PURPOSE SHALL PERFORM THE REMOVAL SURGERY
2 ONLY IN 1 OF THE FOLLOWING FACILITIES OR IN A HOSPITAL OR OTHER
3 FACILITY DESCRIBED IN SUBSECTION (1)(A) OR (B):

4 (A) A MORTUARY THAT IS PART OF A FUNERAL ESTABLISHMENT OWNED
5 OR OPERATED BY THE HOLDER OF A LICENSE FOR THE PRACTICE OF MORTU-
6 ARY SCIENCE ISSUED UNDER ARTICLE 18 OF THE OCCUPATIONAL CODE,
7 1980 PA 299, MCL 339.1801 TO 339.1812.

8 (B) A MORGUE OR A FACILITY OPERATED BY A COUNTY MEDICAL
9 EXAMINER APPOINTED UNDER 1953 PA 181, MCL 52.201 TO 52.216.

10 (3) SUBSECTIONS (1) AND (2) DO NOT APPLY TO A LICENSED ALLO-
11 PATHIC PHYSICIAN OR OSTEOPATHIC PHYSICIAN WHO PERFORMS A BIOPSY
12 OR THE ROUTINE REMOVAL OF HUMAN TISSUE FROM A PATIENT IN THE
13 PHYSICIAN'S PRIVATE PRACTICE OFFICE OR OTHER HEALTH FACILITY
14 LICENSED UNDER ARTICLE 17 FOR THE DIAGNOSIS OR TREATMENT OF THAT
15 PATIENT AND NOT FOR PURPOSES OF TRANSPLANTATION, IMPLANTATION,
16 INFUSION, OR INJECTION.

17 (4) THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND INDUSTRY
18 SERVICES MAY PROMULGATE RULES TO DESIGNATE 1 OR MORE APPROVED
19 FACILITIES FOR PURPOSES OF SUBSECTION (1)(B).

20 (5) AN INDIVIDUAL WHO VIOLATES SUBSECTION (1) OR (2) IS
21 GUILTY OF A FELONY.

22 Enacting section 1. This amendatory act does not take
23 effect unless House Bill No. 4025 of the 90th Legislature is
24 enacted into law.