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BILL ANALYSIS

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House Bill 4125 (Substitute H-1 as reported without amendment)
House Bill 4126 (Substitute S-1 as reported)
Sponsor: Representative Michael C. Murphy
House Committee: Health Policy
Senate Committee: Health Policy

CONTENT

House Bill 4125 (H-1) would amend the Public Health Code to do the following:

- Specify that an anatomical gift made by a will or a document of gift would not be revocable after the death of the donor.
- Authorize a designated patient advocate to make a gift of all or part of a deceased person's body.
- Give a patient advocate priority over the other individuals who may make anatomical gifts on behalf of another.
- Add driver's licenses and State personal identification cards to acceptable documents making an anatomical gift.
- Require the signature of at least one witness (rather than the signatures of two witnesses) on a document making an anatomical gift.

The Code lists and prioritizes the people who may donate all or part of a deceased person's body upon death, and in the absence of contrary indications by the deceased. The bill would give a designated patient advocate priority over the others on the list (i.e., spouse, adult son or daughter, parent, adult sibling, guardian, or any other person authorized or obligated to dispose of the body). The bill also specifies that a gift made by a person on the list could not be revoked by someone having a lower priority.

House Bill 4126 (S-1) would amend the Estates and Protected Individuals Code to permit an individual making a patient advocate designation to include in it the authority for the advocate to make an anatomical gift of all or part of the individual's body. If this authority were included, the patient advocate designation would have to include a statement that the authority would remain exercisable after the patient's death.

The patient advocate would have to act on the patient's behalf in accordance with the Public Health Code, and could do so only after the patient had been declared unable to participate in medical treatment decisions or declared dead by a licensed physician.

MCL 333.10102 & 333.10104 (H.B. 4125)
MCL 700.1106 et al. (H.B. 4126)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Date Completed: 6-24-03

Fiscal Analyst: Dana Patterson

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Analysis available @ <http://www.michiganlegislature.org>

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.