

SUBSTITUTE FOR
HOUSE BILL NO. 4479

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 10102a (MCL 333.10102a), as added by 1986
PA 186.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 10102a. (1) Subject to section ~~10102(3)~~ **10102** and
2 subsections (2) to ~~(7)~~ **(8)**, ~~the person~~ **an individual**
3 designated ~~pursuant to~~ **under** subsection (7) shall, at or near
4 the death of a patient whose body, according to accepted medical
5 standards, is suitable for donation or for the donation of
6 physical parts, request 1 of the ~~persons~~ **individuals** listed in
7 section 10102(2), in the order of priority stated, to consent to
8 the gift of all or any physical part of the decedent's body.
- 9 (2) The ~~person~~ **individual** designated ~~pursuant to~~ **under**
10 subsection (7) shall not make a request for consent pursuant to

Sub. House Bill No. 4479 (H-2) as amended April 8, 2003

1 subsection (1) if 1 or more of the following conditions exist:

2 (a) The ~~person~~ **individual** designated ~~pursuant to~~ **under**
3 subsection (7) has actual notice ~~of contrary indications by~~
4 **that** the patient or decedent **had expressed an unwillingness to**
5 **make the gift.**

6 (b) The ~~person~~ **individual** designated ~~pursuant to~~ **under**
7 subsection (7) has actual notice ~~of opposition by a person that~~
8 **an individual with [a higher] priority or equal priority** listed
9 in section 10102(2) ~~unless a person in a prior class under that~~
10 ~~section is available for a request to be made~~ **opposes the making**
11 **of a gift.**

12 (c) The ~~person~~ **individual** designated ~~pursuant to~~ **under**
13 subsection (7) has knowledge that the gift of all or ~~a~~ **any**
14 physical part of a body is contrary to the religious beliefs of
15 the decedent.

16 (3) Each hospital shall maintain a hospital organ donation
17 log sheet on a form provided by the department. The organ
18 donation log sheet shall include all of the following
19 information:

20 (a) The name and age of the patient or decedent for whom a
21 request is made ~~pursuant to~~ **under** this section.

22 (b) A list of patients or decedents for whom a request was
23 not made pursuant to this section and the reason for not making
24 the request, as set forth in subsection (2) **or (8).**

25 (c) An indication that a request for consent to a gift of all
26 or ~~a~~ **any** physical part of a body has been made.

27 (d) An indication of whether or not consent was granted.

1 (e) If consent was granted, an indication of which physical
2 parts of the body were donated ~~—~~ or whether the entire body was
3 donated.

4 ~~(f) The name and signature of the person making the~~
5 ~~request.~~

6 (4) After making a request for a gift ~~pursuant to~~ **under**
7 subsection (1) **or after the death of a patient or decedent who**
8 **made a gift under section 10102(1)**, the ~~person~~ **individual**
9 designated ~~pursuant to~~ **under** subsection (7) shall complete the
10 hospital's organ donation log sheet.

11 (5) A summary of the information contained in the organ
12 donation log sheets annually shall be transmitted by each
13 hospital to the department. The summary shall include all of the
14 following:

15 (a) The number of deaths.

16 (b) The number of requests made.

17 (c) The number of consents granted.

18 (d) The number of bodies or physical parts donated in each
19 category as specified on the organ donation log sheet.

20 (6) A gift made pursuant to a request required by this
21 section shall be executed pursuant to this part.

22 (7) The chief executive officer of each hospital shall
23 develop and implement a policy regarding requests made ~~pursuant~~
24 ~~to~~ **under** this section. The policy shall provide, at a minimum,
25 for all of the following:

26 (a) The designation of ~~persons~~ **individuals** who shall make
27 requests under this section.

1 (b) That if a patient's religious preference is known, a
2 clergy of that denomination shall, if possible, be made available
3 upon request to the ~~persons~~ **individuals** to whom a request under
4 this section is made.

5 (c) The development of a support system ~~which~~ **that**
6 facilitates the making of requests under this section.

7 (d) The maintenance of the organ donation log sheet required
8 by subsection (3).

9 **(8) If an individual has made a gift under section 10102(1),**
10 **the gift is not revocable after the death of that individual and**
11 **the individual designated under subsection (7) is not required to**
12 **make a request for consent under this section unless the decedent**
13 **had revoked the gift under section 10107.**

14 **(9) —(8)—** The director may promulgate rules to establish
15 minimum training standards for persons required to make requests
16 pursuant to this section and to revise the organ donation log
17 sheet required by subsection (3).

18 **(10) —(9)—** This section shall not be construed to authorize
19 the withdrawal or withholding of medical care for a patient who
20 is a possible donor and who is near death.