

Act No. 67
Public Acts of 2003
Approved by the Governor
July 21, 2003
Filed with the Secretary of State
July 22, 2003
EFFECTIVE DATE: July 22, 2003

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Reps. Gleason, Condino, O'Neil, Milosch, Gielegem, Zelenko, Hager, Brown, Sheltroun, Bieda, Sak, Williams, Meisner, Spade, Clack, Vagnozzi, Dennis, Hood, Accavitti, Tobocman, Paletko, Elkins, Rocca, Ehardt, Murphy, Hune, Hardman, Daniels, McConico, Woronchak, Anderson, Drolet, Woodward, Phillips, Minore, Jamnick, Richardville, Lipsey, Bisbee, Kooiman, Voorhees, Middaugh, Julian, Newell, Vander Veen, Rivet, Caul, Pumford, Ruth Johnson, Adamini, Gaffney, Smith, Stallworth, Hunter, Farrah, Pastor, LaJoy, Law, Brandenburg, Acciavatti, DeRoche, Taub, Amos, Stakoe, Garfield, Shaffer, Nofs, Ward, Byrum, Emmons, Steil, Nitz, Stahl, Huizenga, Farhat, Palsrok and Gillard

ENROLLED HOUSE BILL No. 4479

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 10102a (MCL 333.10102a), as added by 1986 PA 186.

The People of the State of Michigan enact:

Sec. 10102a. (1) Subject to section 10102 and subsections (2) to (8), an individual designated under subsection (7) shall, at or near the death of a patient whose body, according to accepted medical standards, is suitable for donation or for the donation of physical parts, request 1 of the individuals listed in section 10102(2), in the order of priority stated, to consent to the gift of all or any physical part of the decedent's body.

(2) The individual designated under subsection (7) shall not make a request for consent pursuant to subsection (1) if 1 or more of the following conditions exist:

(a) The individual designated under subsection (7) has actual notice that the patient or decedent had expressed an unwillingness to make the gift.

(b) The individual designated under subsection (7) has actual notice that an individual with a higher priority or equal priority listed in section 10102(2) opposes the making of a gift.

(c) The individual designated under subsection (7) has knowledge that the gift of all or any physical part of a body is contrary to the religious beliefs of the decedent.

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

(a) The name and age of the patient or decedent for whom a request is made under this section.

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

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

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

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

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

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

(a) The number of deaths.

(b) The number of requests made.

(c) The number of consents granted.

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

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

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

(a) The designation of individuals who shall make requests under this section.

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

(c) The development of a support system that facilitates the making of requests under this section.

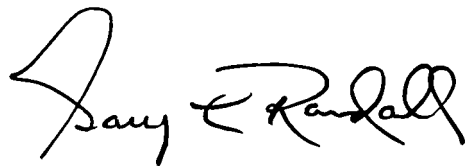
(d) The maintenance of the organ donation log sheet required by subsection (3).

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

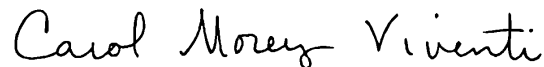
(9) The director may promulgate rules to establish minimum training standards for persons required to make requests pursuant to this section and to revise the organ donation log sheet required by subsection (3).

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor