

SUBSTITUTE FOR  
HOUSE BILL NO. 4938

A bill to amend 1953 PA 181, entitled

"An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon,"

(MCL 52.201 to 52.216) by adding section 9.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 9. (1) IF A COUNTY MEDICAL EXAMINER OR HIS OR HER  
2        DESIGNEE RECEIVES NOTIFICATION FROM A PERSON OTHER THAN A  
3        REPRESENTATIVE OF A HOSPITAL OF A DEATH THAT REQUIRES AN  
4        INVESTIGATION BY THE COUNTY MEDICAL EXAMINER'S OFFICE PURSUANT TO  
5        THIS ACT, THE COUNTY MEDICAL EXAMINER OR HIS OR HER DESIGNEE SHALL  
6        TAKE CHARGE OF THE BODY. IF, UPON VIEWING THE BODY AND PERSONALLY

1 INQUIRING INTO THE CAUSE AND MANNER OF THE DEATH, THE COUNTY  
2 MEDICAL EXAMINER OR HIS OR HER DESIGNEE DETERMINES THAT THE BODY,  
3 ACCORDING TO CRITERIA ESTABLISHED BY MICHIGAN'S FEDERALLY  
4 DESIGNATED ORGAN PROCUREMENT ORGANIZATION, MAY BE SUITABLE FOR  
5 DONATION OR FOR THE DONATION OF PHYSICAL PARTS, THE COUNTY MEDICAL  
6 EXAMINER OR HIS OR HER DESIGNEE SHALL, IN A TIMELY MANNER AS  
7 PRESCRIBED UNDER SUBSECTION (2), CONTACT MICHIGAN'S FEDERALLY  
8 DESIGNATED ORGAN PROCUREMENT ORGANIZATION OR ITS SUCCESSOR  
9 ORGANIZATION. IF CONTACTED BY THE FEDERALLY DESIGNATED ORGAN  
10 PROCUREMENT ORGANIZATION OR THE EYE AND TISSUE ORGANIZATION, OR  
11 BOTH, THE COUNTY MEDICAL EXAMINER SHALL ENTER INTO AN AGREEMENT  
12 WITH THE FEDERALLY DESIGNATED ORGAN PROCUREMENT ORGANIZATION AND  
13 THE EYE AND TISSUE ORGANIZATION THAT COORDINATES THE RECOVERY AND  
14 ALLOCATION OF ANATOMICAL DONATIONS IN THAT COUNTY. THE AGREEMENT  
15 SHALL OUTLINE THE PROCEDURES AND PROTOCOLS OF EACH PARTY TO ASSURE  
16 THAT TRANSPLANTABLE ORGANS, TISSUES, AND EYES ARE OBTAINED FROM  
17 POTENTIAL DONORS. THE AGREEMENT SHALL PROVIDE THAT IF ANY  
18 EXTRAORDINARY MEDICAL EXAMINATIONS ARE NECESSARY PRIOR TO THE  
19 REMOVAL OF ORGANS, TISSUES, OR EYES, THE ORGANIZATION SHALL COVER  
20 THOSE COSTS. THE COUNTY MEDICAL EXAMINER OR HIS OR HER DESIGNEE MAY  
21 RELEASE ANY INFORMATION TO THE FEDERALLY DESIGNATED ORGAN  
22 PROCUREMENT ORGANIZATION OR EYE AND TISSUE ORGANIZATION THAT IS  
23 NECESSARY TO IDENTIFY POTENTIAL ORGAN, TISSUE, OR EYE DONORS AND  
24 SEEK CONSENT FOR SUCH DONATIONS IN ACCORDANCE WITH PART 101 OF THE  
25 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.10101 TO 333.10109. A  
26 COUNTY MEDICAL EXAMINER OR HIS OR HER DESIGNEE SHALL NOT DISCUSS  
27 THE OPTION OF ORGAN DONATION WITH ANY INDIVIDUAL WITH THE AUTHORITY

1 TO MAKE A GIFT UNDER SECTION 10102 OF THE PUBLIC HEALTH CODE, 1978  
2 PA 368, MCL 333.10102.

3 (2) IF AN INVESTIGATION OF THE CAUSE AND MANNER OF DEATH,  
4 REGARDLESS OF WHETHER THE DEATH OCCURRED IN A HOSPITAL OR NOT, IS  
5 REQUIRED UNDER THIS ACT AND THE COUNTY MEDICAL EXAMINER OR HIS OR  
6 HER DESIGNEE HAS NOTICE THAT THE INDIVIDUAL IS A DONOR, THE COUNTY  
7 MEDICAL EXAMINER OR HIS OR HER DESIGNEE SHALL CONDUCT THE  
8 EXAMINATION OF THE DEAD BODY WITHIN A TIME PERIOD THAT PERMITS  
9 ORGANS, TISSUES, AND EYES TO REMAIN VIABLE FOR TRANSPLANT. IF THE  
10 COUNTY MEDICAL EXAMINER OR HIS OR HER DESIGNEE IS UNABLE TO CONDUCT  
11 THE INVESTIGATION WITHIN THAT PERIOD OF TIME, A HEALTH CARE  
12 PROFESSIONAL WHO IS AUTHORIZED TO REMOVE AN ANATOMICAL GIFT FROM A  
13 DONOR MAY REMOVE THE DONATED TISSUES OR ORGANS, OR BOTH, IN ORDER  
14 TO PRESERVE THE VIABILITY OF THE DONATED TISSUES OR ORGANS FOR  
15 TRANSPLANT UPON NOTIFYING THE COUNTY MEDICAL EXAMINER OR HIS OR HER  
16 DESIGNEE. IF THE COUNTY MEDICAL EXAMINER OR HIS OR HER DESIGNEE  
17 DETERMINES THAT AN ORGAN MAY BE RELATED TO THE CAUSE OF DEATH, THE  
18 COUNTY MEDICAL EXAMINER OR HIS OR HER DESIGNEE MAY DO 1 OR MORE OF  
19 THE FOLLOWING:

20 (A) REQUEST TO BE PRESENT DURING THE REMOVAL OF THE DONATED  
21 ORGANS.

22 (B) REQUEST A BIOPSY OF THE DONATED ORGANS.