

HOUSE BILL No. 4469

March 8, 2005, Introduced by Reps. Gleason and LaJoy and referred to the Committee on Transportation.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 10104 (MCL 333.10104), as amended by 2003 PA
62.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10104. (1) A gift of all or a physical part of the
2 donor's body under section 10102(1) may be made by will. The gift
3 becomes effective upon the death of the testator without waiting
4 for probate. If the will is not probated, or if the will is
5 declared invalid for testamentary purposes, the gift, to the extent
6 that the gift has been acted upon in good faith, is nevertheless
7 valid and effective.

8 (2) A gift of all or a physical part of the donor's body under

section 10102(1) may also be made by document of gift other than a will. A gift made by a document of gift described in this subsection becomes effective upon the death of the donor. Subject to subsections (3) and (4), a document of gift other than a will may be 1 or more of the following:

(a) A personal identification card issued to the donor by the secretary of state under 1972 PA 222, MCL 28.291 to 28.300, that contains a statement that the holder of the personal identification card is an organ and tissue donor under this part, along with the signature of the holder and the signature of at least 1 witness to the holder's signature, as described in section 2 of 1972 PA 222, MCL 28.292, **OR, BEGINNING JANUARY 1, 2007, A HEART INSIGNIA.**

(b) A motor vehicle operator's or chauffeur's license issued to the donor by the secretary of state under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, that contains a statement that the licensee is an organ and tissue donor under this part, along with the signature of the licensee and the signature of at least 1 witness to the licensee's signature, as described in section 310 of the Michigan vehicle code, 1949 PA 300, MCL 257.310, **OR, BEGINNING JANUARY 1, 2007, A HEART INSIGNIA.**

(c) A document of gift that conforms substantially to the following form:

Uniform Donor Card

of

Print or type name of donor

In the hope that I may help others, I hereby make this anatomical

1 gift if medically acceptable, to take effect upon my death. The
 2 words and marks below indicate my desires.

3 I give: (a) any needed organs or physical parts

4 (b) only the following organs or physical parts

5 _____

6 Specify the organ(s) or physical part(s)

7 For the purposes of transplantation, therapy, medical research or
 8 education;

9 (c) my body for anatomical study if needed.

10 Limitations or special wishes, if any: _____

11 Signed by the donor and at least 1 witness, in the presence of each
 12 other:

13 _____

14 Signature of donor

Date of birth of donor

15 _____

16 Date signed

City and state

17 _____

18 Witness

Witness

19 (3) If a donor does not specify a gift of his or her entire
 20 body in the statement described in subsection (2)(a) or (b) on the
 21 individual's personal identification card or motor vehicle
 22 operator's or chauffeur's license, the gift is limited to physical
 23 parts of the donor's body and does not include the donor's entire
 24 body.

25 (4) A gift under section 10102 may be made to a specified or
 26 unspecified donee. If the donee is not specified, the attending

1 physician may accept the gift as donee upon or following the
2 donor's death. If the gift is made to a specified donee who is not
3 available at the time and place of death, the attending physician
4 may, upon or following the donor's death, and in the absence of any
5 expressed indication that the donor desired otherwise, accept the
6 gift as donee. An attending physician who becomes a donee under
7 this subsection shall not participate in the procedures for
8 removing or transplanting a physical part.

9 (5) Notwithstanding section 10108(4), the donor may designate
10 in his or her will or other document of gift described in
11 subsection (2) the physician who is to carry out the procedures
12 necessary to effectuate the gift. In the absence of a designation
13 under this subsection or if the designee is not available, the
14 donee or other person authorized to accept the gift may employ or
15 authorize another physician for the purpose of effectuating the
16 gift.

17 (6) A donor who is unable to sign a document of gift may
18 direct another individual to sign the document of gift on his or
19 her behalf if the signature of the other individual is made in the
20 donor's presence and in the presence of at least 1 witness. The
21 witness shall also sign the document of gift in the donor's
22 presence.

23 (7) A gift of all or a physical part of a donor's body made by
24 will as authorized by subsection (1) or by a document of gift other
25 than a will as authorized by subsection (2) is not revocable after
26 the death of the donor **REGARDLESS OF THE EXPRESSED DESIRES OF THE**
27 **DECEASED DONOR'S NEXT OF KIN WHO MAY OPPOSE THE DONOR'S ORGAN,**

1 **TISSUE, OR EYE DONATION.**

2 (8) A gift by an individual designated in section 10102(2)
3 shall be made by a document signed by the individual or made by the
4 individual's telegraphic, electronic, recorded telephonic, or other
5 recorded message.

6 (9) A document of gift executed in another state or foreign
7 country and in accord with the laws of that state or country is
8 valid as a document of gift in this state, even if the document
9 does not conform substantially to the form set forth in subsection
10 (2)(c).

11 Enacting section 1. This amendatory act does not take effect
12 unless all of the following bills of the 93rd Legislature are
13 enacted into law:

14 (a) House Bill No. 4082.

15 (b) House Bill No. 4470.

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17 (c) Senate Bill No. 301.

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