

SENATE 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 OR THAT A
7 GIFT OF ALL OR A PHYSICAL PART OF THAT INDIVIDUAL'S BODY HAS BEEN
8 MADE IN ACCORDANCE WITH PART 101 OF THE PUBLIC HEALTH CODE, 1978 PA
9 368, MCL 333.10101 TO 333.10109, THE COUNTY MEDICAL EXAMINER OR HIS
10 OR HER DESIGNEE SHALL CONDUCT THE EXAMINATION OF THE DEAD BODY
11 WITHIN A TIME PERIOD THAT PERMITS ORGANS, TISSUES, AND EYES TO
12 REMAIN VIABLE FOR TRANSPLANT. IF THE COUNTY MEDICAL EXAMINER OR HIS
13 OR HER DESIGNEE IS UNABLE TO CONDUCT THE INVESTIGATION WITHIN THAT
14 PERIOD OF TIME, A HEALTH CARE PROFESSIONAL WHO IS AUTHORIZED TO
15 REMOVE AN ANATOMICAL GIFT FROM A DONOR MAY REMOVE THE DONATED
16 TISSUES OR ORGANS, OR BOTH, IN ORDER TO PRESERVE THE VIABILITY OF
17 THE DONATED TISSUES OR ORGANS FOR TRANSPLANT UPON NOTIFYING THE
18 COUNTY MEDICAL EXAMINER OR HIS OR HER DESIGNEE. IF THE COUNTY
19 MEDICAL EXAMINER OR HIS OR HER DESIGNEE DETERMINES THAT AN ORGAN
20 MAY BE RELATED TO THE CAUSE OF DEATH, THE COUNTY MEDICAL EXAMINER
21 OR HIS OR HER DESIGNEE MAY DO 1 OR MORE OF THE FOLLOWING:

22 (A) REQUEST TO BE PRESENT DURING THE REMOVAL OF THE DONATED
23 ORGANS.

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