

Act No. 176
Public Acts of 2005
Approved by the Governor
October 19, 2005
Filed with the Secretary of State
October 19, 2005
EFFECTIVE DATE: October 19, 2005

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005**

Introduced by Reps. Hune, Gleason, Gaffney, Wojno, Hildenbrand and Mortimer

ENROLLED HOUSE BILL No. 4938

AN ACT 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:

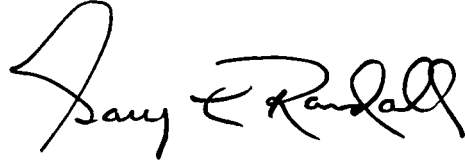
Sec. 9. (1) If a county medical examiner or his or her designee receives notification from a person other than a representative of a hospital of a death that requires an investigation by the county medical examiner's office pursuant to this act, the county medical examiner or his or her designee shall take charge of the body. If, upon viewing the body and personally inquiring into the cause and manner of the death, the county medical examiner or his or her designee determines that the body, according to criteria established by Michigan's federally designated organ procurement organization, may be suitable for donation or for the donation of physical parts, the county medical examiner or his or her designee shall, in a timely manner as prescribed under subsection (2), contact Michigan's federally designated organ procurement organization or its successor organization. If contacted by the federally designated organ procurement organization or the eye and tissue organization, or both, the county medical examiner shall enter into an agreement with the federally designated organ procurement organization and the eye and tissue organization that coordinates the recovery and allocation of anatomical donations in that county. The agreement shall outline the procedures and protocols of each party to assure that transplantable organs, tissues, and eyes are obtained from potential donors. The agreement shall provide that if any extraordinary medical examinations are necessary prior to the removal of organs, tissues, or eyes, the organization shall cover those costs. The county medical examiner or his or her designee may release any information to the federally designated organ procurement organization or eye and tissue organization that is necessary to identify potential organ, tissue, or eye donors and seek consent for such donations in accordance with part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10109. A county medical examiner or his or her designee shall not discuss the option of organ donation with any individual with the authority to make a gift under section 10102 of the public health code, 1978 PA 368, MCL 333.10102.

(2) If an investigation of the cause and manner of death, regardless of whether the death occurred in a hospital or not, is required under this act and the county medical examiner or his or her designee has notice that the individual is a donor or that a gift of all or a physical part of that individual's body has been made in accordance with part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10109, the county medical examiner or his or her designee shall conduct the examination of the dead body within a time period that permits organs, tissues, and eyes to remain viable for transplant. If the county medical examiner or his or her designee is unable to conduct the investigation within that period of time, a health care professional who is authorized to remove an anatomical gift from a donor may remove the

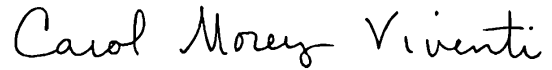
donated tissues or organs, or both, in order to preserve the viability of the donated tissues or organs for transplant upon notifying the county medical examiner or his or her designee. If the county medical examiner or his or her designee determines that an organ may be related to the cause of death, the county medical examiner or his or her designee may do 1 or more of the following:

- (a) Request to be present during the removal of the donated organs.
- (b) Request a biopsy of the donated organs.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor