

REVISED UNIFORM ANATOMICAL GIFT ACT

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House Bill 4940
Sponsor: Rep. Paul Condino

House Bill 4943
Sponsor: Rep. Andy Coulouris

House Bill 4941
Sponsor: Rep. Kathy Angerer

House Bill 4944
Sponsor: Rep. Edward Gaffney, Jr.

House Bill 4942
Sponsor: Rep. Brenda Clack

House Bill 4945
Sponsor: Rep. Brian Calley

Committee: Health Policy

Complete to 10-24-07

A SUMMARY OF HOUSE BILLS 4940-4945 AS INTRODUCED 6-19-07

House Bill 4950 would create the Revised Uniform Anatomical Gift Law. The rest of the bill package would amend various laws to conform to the new donor law. House Bills 4941-4945 are tie-barred to House Bill 4940, and House Bill 4940 is tie-barred to each of the other bills in the package. A description of each bill in the package follows.

House Bill 4940

The original Uniform Anatomical Gift Law was written by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in 1968 and was quickly adopted by all 50 states. The model act was revised and updated in 1987, but only 26 states adopted the new version. Since 1987, changes in federal laws regulating organ procurement, states adopting non-uniform amendments to their anatomical gift laws, and roughly half of the states following one version while the rest of the states followed a different version has resulted in serious impediments to the task of identifying donors, procuring the organs and tissues, and distributing the organs and tissues in a timely manner while they are yet viable.

House Bill 4940 would replace many existing provisions of the Uniform Anatomical Gift Law, which Michigan adopted in 1968, with provisions of the Revised Uniform Anatomical Gift Law (UAGL) promulgated by NCCUSL in 2006. Significant changes, as identified in a summary prepared by NCCUSL, include the following:

- Change the name of the act to the Revised Uniform Anatomical Gift Law.
- Revise the definition section of the act to include many new terms.
- Honor the choice of an individual to be or not to be a donor and strengthens the language barring others from overriding a donor's decision to make an anatomical gift.

- Create felony penalties for buying or selling a body part for compensation or for falsifying or forging a document of gift for financial gain.
- Prohibit, as a felony, purchasing or selling for compensation a body part for transplantation or therapy.
- Make it a felony to intentionally falsify, forge, conceal, deface, or obliterate a document of gift, an amendment or revocation of gift, or a refusal
- Allow emancipated minors and minors 16 years of age and over who have a driver's license the right to be a donor.
- Expand the list of persons who can make a gift of the individual's body or parts during the life of the donor to include, among others, a health care agent of the donor, and, under certain circumstances, a parent or guardian. Also, expand the list of persons who can make a gift of the deceased's body or parts to include adult grandchildren and an adult who exhibited special care and concern for the decedent.
- Resolve the tension between a health-care directive requesting the withholding or withdrawal of life support systems and anatomical gifts by permitting measures necessary to ensure the medical suitability of organs for intended transplantation or therapy to be administered.
- Clarify and expand the rules relating to cooperation and coordination between procurement organizations and medical examiners.
- Allow anatomical gifts to be amended or revoked. Also, an individual could sign a refusal barring any other person from making an anatomical gift of his or her body or parts.
- With respect to organs donated for transplantation or therapy, harmonize the UAGL with federal law.
- Prioritize transplantation or therapy over research or education if a gift is made for all four purposes in a document of gift; for instance, if only a general intent to donate was specified, such as on a driver's license, the gift could be used for all four purposes in the order of transplantation, therapy, research, and education.
- Allow for electronic records and signatures.
- Recognize anatomical gifts made under other jurisdictions.
- Allow the person to whom a body part passes to conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purposes.
- Allow a physician or technician (defined to mean an individual determined to be qualified to remove or process body parts by an appropriate organization regulated under state or federal law, including an enucleator) to remove a donated part from the donor that the physician or technician is qualified to remove.
- Repeal Section 10102a pertaining to authorized persons obtaining consent for a donation from family or other authorized person.

The bill would take effect January 1, 2008.

House Bills 4941, 4942, 4944, and 4945

The bills are technical in nature, amending various acts to adopt changes to language and citations that would conform the acts to revisions made to the Uniform Anatomical Gift Law by House Bill 4940. The bills would also make editorial changes for clarity and delete obsolete provisions.

House Bill 4941 would amend Public Act 222 of 1972, which provides for an official personal identification card (state ID). House Bill 4942 would amend the Michigan Vehicle Code (MCL 257.307 and 257.310). House Bill 4944 would amend Public Act 1953 (MCL 52.209), which prescribes the duties of medical examiners. House Bill 4945 would amend the Estates and Protected Individuals Code (MCL 700.3206 et al.).

House Bill 4943

The bill would amend the Code of Criminal Procedure (MCL 777.13n) to specify that purchasing or selling a body part of a deceased individual for transplantation or therapy or falsifying, concealing, or defacing a document of an anatomical gift for financial gain would be a Class E felony against the public order with a five-year maximum term of imprisonment.

FISCAL IMPACT:

House Bills 4940-4942 would have no fiscal impact on the Department of State.

An analysis of the fiscal impact of House Bill 4940 and House Bills 4943-4945 on the Departments of Community Health and Corrections is in progress.

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Fiscal Analyst: Mark Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.