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House Bill 4940 (Substitute S-1 as reported)
House Bill 4941 (Substitute S-1 as reported by the Committee of the Whole)
House Bill 4945 (as reported without amendment)
Sponsor: Representative Paul Condino (H.B. 4940)
Representative Kathy Angerer (H.B. 4941)
Representative Brian Calley (H.B. 4945)
House Committee: Health Policy
Senate Committee: Health Policy

CONTENT

House Bill 4940 (S-1) would amend Part 101 (Uniform Anatomical Gift Law) and Part 102 (Disposition of Human Body Parts) of the Public Health Code to do the following:

- Revise the criteria that an individual must meet to make an anatomical gift during his or her life.
- Revise the list of people who are authorized to make an anatomical gift on a donor's behalf upon or near death.
- Revise provisions pertaining to a document of gift and procedures for amending or revoking a document of gift.
- Revise procedures for determining the recipient of an anatomical gift.
- Prescribe procedures by which an individual could refuse to make an anatomical gift.
- Require a record search to determine whether a decedent had made an anatomical gift.
- Require each hospital to enter into agreements or affiliations with procurement organizations, and authorize administrative sanctions for failure to comply.
- Repeal a section requiring hospitals to implement a policy for the request of anatomical gifts upon or near the death of a patient.
- Require the Secretary of State to maintain a donor registry that provided electronic access to procurement organizations.
- Allow people to create and maintain a donor registry that was not established by or under contract with the State, and require it to give an organ procurement organization access to its records of anatomical gifts.
- Make it a felony to purchase or sell a body part for transplant or to falsify or damage a document of gift for financial gain, and prescribe penalties.
- Change the title of Part 101 to the "Revised Uniform Anatomical Gift Law".

The bill would take effect on May 1, 2008.

House Bill 4941 (S-1) would amend Public Act 222 of 1972 (which provides for an official State personal identification card) to revise references to provisions of the Uniform Anatomical Gift Law.

The bill also would do the following:

- Require a State ID card to contain the person's digital photographic image.
- Require a State ID card to include its expiration date and physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.
- Require, rather than permit, the Secretary of State (SOS) to retain and use a person's image and signature for SOS-administered programs.
- Revise the purposes for which information retained by the SOS may be used.
- Require, rather than allow, a State ID card to contain information appearing in electronic or machine readable codes needed to conduct a transaction with the SOS.
- Allow a person's full legal name, gender, and address, the state of issuance, and the date of a transaction to be included in the coded information; and delete a prohibition against the inclusion of a person's name and address.
- Provide that a State ID card would expire on the person's birthday in the fourth year following the date of issuance, or on the date the person was no longer considered to be legally present in the U.S., whichever was earlier.

House Bill 4945 would amend the Estates and Protected Individuals Code to revise references to provisions of the Uniform Anatomical Gift Law.

Additionally, the bill provides that the authority regarding an anatomical gift under EPIC could include the authority to resolve a conflict between the terms of an advance health care directive and the administration of means necessary to ensure the medical suitability of the anatomical gift.

House Bills 4941 (S-1) and 4945 are tie-barred to House Bill 4940. House Bill 4940 (S-1) is tie-barred to those bills and to Senate Bills 712, 713, and 714. Senate Bills 712 and 714 would amend the Michigan Vehicle Code and Public Act 181 of 1953 (which governs county medical examiners) to revise references to provisions of the Uniform Anatomical Gift Law. Senate Bill 713 would amend the Code of Criminal Procedure to add to the sentencing guidelines purchasing or selling a body part of a deceased individual for transplantation or therapy, and falsifying, concealing, or defacing a document of anatomical gift for financial gain. These offenses would be Class E felonies against public order with a five-year statutory maximum.

MCL 333.10101 et al. (H.B. 4940)
 28.292 (H.B. 4941)
 700.3206 et al. (H.B. 4945)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

House Bill 4940 (S-1) would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offenses. To the extent that the bill would result in increased incarceration time, local governments would incur increased costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$33,000. Additional penal fine revenue would benefit public libraries.

House Bills 4941 (S-1) and 4945 would have no fiscal impact on State or local government.

Date Completed: 3-6-08

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.