

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 714

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,"

by amending section 9 (MCL 52.209), as added by 2005 PA 176.

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 **SUBJECT TO PART 101 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL**
4 **333.10101 TO 333.10123, AND** according to criteria established by
5 Michigan's federally designated organ procurement organization, may
6 be suitable for donation or for the donation of ~~physical~~**BODY**
7 parts, the county medical examiner or his or her designee shall, in
8 a timely manner as prescribed under subsection (2), contact
9 Michigan's federally designated organ procurement organization or
10 its successor organization **AS DEFINED IN SECTION 10102 OF THE**
11 **PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.10102.** If contacted by the
12 federally designated organ procurement organization or ~~the eye and~~
13 ~~tissue~~**OTHER PROCUREMENT** organization, or both, the county medical
14 examiner shall enter into an agreement with the federally
15 designated organ procurement organization and ~~the eye and tissue~~
16 **OTHER PROCUREMENT** organization that coordinates the recovery and
17 allocation of anatomical donations in that county. The agreement
18 shall outline the procedures and protocols of each party to assure
19 that transplantable organs, tissues, and eyes are obtained from
20 potential donors **AND SHALL MEET THE REQUIREMENTS OF PART 101 OF THE**
21 **PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.10101 TO 333.10123.** The
22 agreement shall provide that if any extraordinary medical
23 examinations are necessary prior to the removal of organs, tissues,
24 or eyes, the **PROCUREMENT** organization shall cover those costs. The
25 county medical examiner or his or her designee may release any
26 information to the federally designated organ procurement
27 organization or ~~eye and tissue~~**OTHER PROCUREMENT** organization that

1 is necessary to identify potential organ, tissue, or eye donors and
2 seek consent for such donations in accordance with part 101 of the
3 public health code, 1978 PA 368, MCL 333.10101 to ~~333.10109~~

4 **333.10123.** A county medical examiner or his or her designee shall
5 not discuss the option of organ donation with any individual with
6 the authority to make a gift under ~~section 10102~~ **PART 101** of the
7 public health code, 1978 PA 368, MCL ~~333.10102~~ **333.10101 TO**
8 **333.10123.**

9 (2) If an investigation of the cause and manner of death,
10 regardless of whether the death occurred in a hospital or not, is
11 required under this act and the county medical examiner or his or
12 her designee has notice that the individual is a donor or that a
13 gift of all or a ~~physical~~ part of that individual's body has been
14 made ~~in accordance with~~ **PURSUANT TO** part 101 of the public health
15 code, 1978 PA 368, MCL 333.10101 to ~~333.10109~~ **333.10123**, the county
16 medical examiner or his or her designee shall conduct the
17 examination of the dead body within a time period that permits
18 organs, tissues, and eyes to remain viable for transplant. If the
19 county medical examiner or his or her designee is unable to conduct
20 the investigation within that period of time, a health ~~care~~
21 professional **OR TECHNICIAN** who is authorized to remove an
22 anatomical gift from a donor **UNDER PART 101 OF THE PUBLIC HEALTH**
23 **CODE, 1978 PA 368, MCL 333.10101 TO 333.101023**, may remove the
24 donated tissues or organs, or both, in order to preserve the
25 viability of the donated tissues or organs for transplant upon
26 notifying the county medical examiner or his or her designee. If
27 the county medical examiner or his or her designee determines that

1 an organ may be related to the cause of death, the county medical
2 examiner or his or her designee may do 1 or more of the following:

3 (a) Request to be present during the removal of the donated
4 organs.

5 (b) Request a biopsy of the donated organs.

6 (3) **THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS "KYLE RAY**
7 **HORNING'S LAW".**

8 Enacting section 1. This amendatory act does not take effect
9 unless House Bill No. 4940 of the 94th Legislature is enacted into
10 law.