



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 800 (Substitute S-3 as reported by the Committee of the Whole)
Sponsor: Senator Roger Kahn, M.D.
Committee: Local, Urban and State Affairs

CONTENT

The bill would amend Public Act 181 of 1953 (which governs county medical examiners) to do the following:

- Allow a county medical examiner to retain any portion of a dead body he or she believed was necessary to establish the cause of death, the conditions contributing to death, or the manner of death, or as evidence of a crime.
- Require a medical examiner to attempt to notify the decedent's relatives or representatives, if the retained body portion were an entire organ or limb, and offer them an opportunity to request return of the body part.
- Require the medical examiner or a deputy to keep a written record of the notification efforts for one year.
- Provide immunity from civil liability for a person performing medical examiner duties in good faith.

Upon determining that it was no longer necessary to retain portions of a body, a medical examiner would have to do the following, as applicable: if requested in writing, promptly deliver or return the retained organ or limb to the decedent's relatives or representatives; and dispose of any remaining retained body portions in the manner prescribed for medical waste under the Public Health Code.

The bill provides that a county medical examiner or any person acting under his or her authority in the performance of medical examiner duties under the Act, including autopsy dissection, diagnoses, opinions, or certification of death, would not be liable in a civil action for damages as a result of an act or omission by the person arising out of and in the course of his or her good faith performance of medical examiner duties, unless the person's act or omission was the result of his or her gross negligence or willful misconduct.

The section the bill would amend would not apply to anatomical gifts made under the Public Health Code.

MCL 52.205

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no effect on State revenue or expenditure. The bill would likely have a minimal effect on local units of government. Expenditures could be reduced by an unknown amount to the extent that the changes would either reduce local unit court costs in defending certain medical examiner actions or lower costs associated with the handling or disposal of organs or bodies.

Date Completed: 2-25-10

Fiscal Analyst: David Zin