

SENATE BILL No. 723

October 4, 2011, Introduced by Senators MARLEAU, ROBERTSON, GREEN, EMMONS, HUNE, WARREN, BIEDA, SCHUITMAKER, GLEASON, MOOLENAAR, SMITH, BOOHER, HANSEN, CASPERSON, PAPPAGEORGE, WALKER, JANSEN, PROOS, HILDENBRAND, PAVLOV, GREGORY, KOWALL, ANDERSON, NOFS, KAHN, MEEKHOF, JONES, RICHARDVILLE, COLBECK, CASWELL, ROCCA, HUNTER and BRANDENBURG and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 10301.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 10301. (1) THE DEPARTMENT MAY CREATE, OPERATE, AND
2 MAINTAIN THE PEACE OF MIND REGISTRY, WHICH SHALL CONTAIN THE PEACE
3 OF MIND DIRECTIVES OF VOLUNTARY REGISTRANTS WHO ARE RESIDENTS OF
4 THIS STATE. THE PEACE OF MIND REGISTRY SHALL BE CREATED, OPERATED,
5 AND MAINTAINED AS PROVIDED IN THIS ACT.

6 (2) THE DEPARTMENT MAY BY CONTRACT DELEGATE THE CREATION,
7 OPERATION, AND MAINTENANCE OF A PEACE OF MIND REGISTRY TO A PEACE
8 OF MIND REGISTRY ORGANIZATION CONTINGENT UPON THE PEACE OF MIND
9 REGISTRY ORGANIZATION INCURRING ALL OF THE COST RELATED TO DESIGN,

1 MAINTAIN, AND OPERATE THE REGISTRY.

2 (3) BOTH OF THE FOLLOWING CONDITIONS APPLY TO A PEACE OF MIND
3 DIRECTIVE:

4 (A) A PEACE OF MIND DIRECTIVE SHALL BE SUBMITTABLE THROUGH THE
5 UNITED STATES MAIL AND THROUGH UPLOADED PORTABLE DOCUMENT FORMAT
6 (PDF).

7 (B) A PEACE OF MIND DIRECTIVE APPLICATION SHALL CONTAIN A
8 SIGNATURE LINE FOLLOWING EACH SECTION.

9 (4) THE PEACE OF MIND REGISTRY SHALL MEET ALL OF THE FOLLOWING
10 REQUIREMENTS:

11 (A) BE ACCESSIBLE TO REGISTRANTS, HEALTH CARE PROVIDERS, AND
12 THE DEPARTMENT BY WAY OF A DESIGNATED USER IDENTIFICATION AND
13 PASSWORD.

14 (B) STORE ALL AN INDIVIDUAL'S PEACE OF MIND DIRECTIVE.
15 HOWEVER, THE MOST RECENTLY SIGNED DIRECTIVE SUPERSEDES ANY EARLIER
16 DIRECTIVE.

17 (C) PROVIDE ELECTRONIC ACCESS, INCLUDING, BUT NOT LIMITED TO,
18 THE TRANSFER OF STORED PEACE OF MIND DIRECTIVES ON A CONTINUOUS
19 BASIS AT NO COST TO THE HEALTH CARE PROVIDERS.

20 (D) PROVIDE ELECTRONIC STORAGE AND ACCESS TO PEACE OF MIND
21 DIRECTIVES SUBMITTED AT NO COST TO THE REGISTRANT.

22 (E) INCLUDE A UNIQUE IDENTIFIER-SEARCHABLE DATABASE,
23 INCLUDING, BUT NOT LIMITED TO, THE LAST 4 DIGITS OF AN INDIVIDUAL'S
24 SOCIAL SECURITY NUMBER AND THE INDIVIDUAL'S DATE OF BIRTH AND
25 ADDRESS.

26 (5) THE DEPARTMENT, THE SECRETARY OF STATE, AND THE DEPARTMENT
27 OF HUMAN SERVICES SHALL EACH PROVIDE ON ITS PUBLIC WEBSITE

1 INFORMATION ON PEACE OF MIND DIRECTIVES AND THE PEACE OF MIND
2 REGISTRY. THE DEPARTMENT, THE SECRETARY OF STATE, AND THE
3 DEPARTMENT OF HUMAN SERVICES SHALL PROMOTE PUBLIC AWARENESS OF THE
4 ADVANTAGES OF CREATING PEACE OF MIND DIRECTIVES AND THE
5 AVAILABILITY OF THE PEACE OF MIND REGISTRY.

6 (6) THE PEACE OF MIND REGISTRY SHALL SATISFY ALL OF THE
7 FOLLOWING CONDITIONS TO THE SATISFACTION OF THE DEPARTMENT:

8 (A) MAINTAIN A RECORD OF EACH INDIVIDUAL WHO FILES A PEACE OF
9 MIND DIRECTIVE WITH THE DEPARTMENT TO BE STORED IN THE PEACE OF
10 MIND REGISTRY.

11 (B) CREATE AND PROVIDE FORMS FOR THE REGISTRATION OF A
12 DIRECTIVE.

13 (C) CREATE AND PROVIDE FORMS FOR THE REVOCATION OF A
14 DIRECTIVE.

15 (7) THE DEPARTMENT SHALL ENSURE THE PRIVACY AND SECURITY OF
16 ALL DOCUMENTS AND INFORMATION SUBMITTED TO, TRANSMITTED FROM, OR
17 STORED IN THE PEACE OF MIND REGISTRY. THE DEPARTMENT AND ANY PERSON
18 WHO ACCESSES THE PEACE OF MIND REGISTRY SHALL COMPLY WITH ALL OTHER
19 PROVISIONS OF THIS ACT AND ANY OTHER LAW OF THIS STATE OR FEDERAL
20 LAW ESTABLISHING PRIVACY AND SECURITY STANDARDS APPLICABLE TO
21 HEALTH OR OTHER PERSONAL IDENTIFYING INFORMATION.

22 (8) INFORMATION IN THE PEACE OF MIND REGISTRY SHALL NOT BE
23 ACCESSED OR USED FOR ANY PURPOSE UNRELATED TO DECISION MAKING FOR
24 HEALTH CARE OR DISPOSITION OF HUMAN REMAINS, EXCEPT THAT THE
25 INFORMATION MAY BE USED FOR STATISTICAL OR ANALYTICAL PURPOSES IF
26 THE INDIVIDUAL'S IDENTITY IS NOT REVEALED AND ALL PERSONAL
27 IDENTIFYING INFORMATION REMAINS CONFIDENTIAL.

1 (9) THE DEPARTMENT OR ITS DESIGNEE SHALL PROVIDE BOTH OF THE
2 FOLLOWING TO AN INDIVIDUAL WHO FILES A PEACE OF MIND DIRECTIVE WITH
3 THE PEACE OF MIND REGISTRY TO BE STORED IN THE REGISTRY:

4 (A) A WALLET-SIZED CARD INDICATING THAT THE HOLDER HAS A PEACE
5 OF MIND DIRECTIVE IN THE REGISTRY.

6 (B) AN ELECTRONIC MAIL MESSAGE OR POSTCARD INDICATING
7 CONFIRMATION OF THE REGISTRATION.

8 (10) BY JANUARY 31 OF EACH YEAR, THE DEPARTMENT OR PEACE OF
9 MIND ORGANIZATION, AS APPLICABLE, SHALL REPORT TO THE STANDING
10 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE ON HEALTH
11 POLICY STATING THE TOTAL NUMBER OF CURRENT AND NEW REGISTRANTS WHO
12 HAVE SUBMITTED PEACE OF MIND DIRECTIVES DURING THE PRECEDING
13 CALENDAR YEAR.

14 (11) THE DEPARTMENT MAY PROMULGATE RULES UNDER THE
15 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
16 24.328, TO PROVIDE FOR THE IMPLEMENTATION AND ADMINISTRATION OF
17 THIS SECTION.

18 (12) A PEACE OF MIND REGISTRY ORGANIZATION, WITH WHICH THE
19 DEPARTMENT HAS CONTRACTED UNDER SUBSECTION (2), AND ITS EMPLOYEES
20 ARE IMMUNE FROM CIVIL LIABILITY ARISING FROM THE ACCURACY OR
21 CONTENT OF THE REGISTRY.

22 (13) AS USED IN THIS SECTION:

23 (A) "DEPARTMENT" MEANS THE DEPARTMENT OF COMMUNITY HEALTH.

24 (B) "HEALTH CARE PROVIDER" MEANS ANY OF THE FOLLOWING:

25 (i) A HEALTH PROFESSIONAL LICENSED, REGISTERED, OR OTHERWISE
26 AUTHORIZED TO ENGAGE IN A HEALTH PROFESSION UNDER PARTS 170, 172,
27 175.

1 (ii) A HEALTH FACILITY OR AGENCY LICENSED OR CERTIFIED UNDER
2 ARTICLE 17.

3 (C) "PEACE OF MIND DIRECTIVE" OR "DIRECTIVE" MEANS AN ADVANCE
4 HEALTH CARE DIRECTIVE AS THAT TERM IS DEFINED IN SECTION 10121 THAT
5 IS REGISTERED OR FILED WITH THE PEACE OF MIND REGISTRY AS PROVIDED
6 IN THIS SECTION.

7 (D) "PEACE OF MIND REGISTRY" OR "REGISTRY" MEANS AN INTERNET
8 WEBSITE CONTAINING ACCESS TO PEACE OF MIND DIRECTIVES AS PROVIDED
9 UNDER THIS ACT.

10 (E) "PEACE OF MIND REGISTRY ORGANIZATION" MEANS AN
11 ORGANIZATION CERTIFIED OR RECERTIFIED BY THE SECRETARY OF THE
12 UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AS A
13 QUALIFIED ORGAN PROCUREMENT ORGANIZATION UNDER 42 USC 273(B), OR
14 ITS SUCCESSOR ORGANIZATION.

15 (F) "SIGN" MEANS THAT, WITH THE PRESENT INTENT TO AUTHENTICATE
16 OR ADOPT A RECORD, AN INDIVIDUAL DOES EITHER OF THE FOLLOWING:

17 (i) EXECUTES OR ADOPTS A TANGIBLE SYMBOL.

18 (ii) ATTACHES TO OR LOGICALLY ASSOCIATES WITH THE RECORD AN
19 ELECTRONIC SYMBOL, SOUND, OR PROCESS.