

SUBSTITUTE FOR
SENATE BILL NO. 485

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 10204 (MCL 333.10204), as amended by 2008 PA
39, and by adding part 29; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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PART 29

SCIENTIFIC USE OF DEAD HUMAN BODIES

SEC. 2901. (1) FOR PURPOSES OF THIS PART, THE WORDS AND
PHRASES DEFINED IN SECTIONS 2903 TO 2905 HAVE THE MEANINGS ASCRIBED
TO THEM IN THOSE SECTIONS.

(2) IN ADDITION, ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND
PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS CODE.

SEC. 2903. (1) "BOARD" MEANS THE ANATOMY BOARD CREATED IN

1 SECTION 2911.

2 (2) "DESIGNATED MEDICAL SCHOOL" MEANS AN ACCREDITED MEDICAL
3 SCHOOL IN THIS STATE THAT HAS A MORTUARY SCIENCE LICENSEE ON STAFF.

4 (3) "EDUCATIONAL USE" MEANS USE TO PROMOTE AN UNDERSTANDING OF
5 THE HUMAN BODY IN MEDICAL OR DENTAL INSTRUCTION AND STUDY AND FOR
6 INSTRUCTION IN OTHER HEALTH SCIENCES.

7 (4) "FINAL DISPOSITION" MEANS THE BURIAL, CREMATION,
8 INTERMENT, OR OTHER LEGAL DISPOSITION OF A DECEDENT'S BODY.

9 SEC. 2905. (1) "MORTUARY SCIENCE LICENSEE" MEANS AN INDIVIDUAL
10 WHO HOLDS A LICENSE FOR THE PRACTICE OF MORTUARY SCIENCE ISSUED
11 UNDER ARTICLE 18 OF THE OCCUPATIONAL CODE, 1980 PA 299, MCL
12 339.1801 TO 339.1812.

13 (2) "PERSON" MEANS THAT TERM AS DEFINED IN SECTION 1106 AND
14 INCLUDES A GOVERNMENTAL ENTITY.

15 (3) "PERSON WITH AUTHORITY" MEANS A PERSON THAT HAS THE RIGHT
16 AND POWER TO MAKE DECISIONS ABOUT A DECEDENT'S BODY UNDER SECTION
17 3206 OF THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386,
18 MCL 700.3206.

19 (4) "SCIENTIFIC USE" MEANS USE TO PROMOTE THE PRODUCTION,
20 ADVANCEMENT, AND DISSEMINATION OF KNOWLEDGE AND UNDERSTANDING THAT
21 WILL ULTIMATELY BENEFIT MANKIND THROUGH SCIENTIFIC STUDY AND
22 RESEARCH. SCIENTIFIC USE INCLUDES EDUCATIONAL USE.

23 (5) "UNCLAIMED BODY" MEANS A DECEDENT'S BODY THAT IS NOT
24 CLAIMED FOR FINAL DISPOSITION BY A PERSON WITH AUTHORITY AFTER AN
25 ATTEMPT TO IDENTIFY AND NOTIFY A PERSON WITH AUTHORITY HAS BEEN
26 MADE AS REQUIRED IN SECTION 2915.

27 SEC. 2909. EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED, THIS

1 PART DOES NOT APPLY TO AN ANATOMICAL GIFT MADE IN COMPLIANCE WITH
2 PART 101 OR TO THE DISPOSITION OF A HUMAN BODY PART MADE IN
3 COMPLIANCE WITH PART 102.

4 SEC. 2911. (1) THE ANATOMY BOARD IS CREATED IN THE DEPARTMENT.
5 THE DIRECTOR SHALL APPOINT AN ADMINISTRATOR OF THE BOARD TO PROVIDE
6 ADMINISTRATIVE SUPPORT TO THE BOARD AND TO ACT AS LIAISON BETWEEN
7 THE DEPARTMENT AND THE BOARD.

8 (2) THE BOARD CONSISTS OF MEMBERS WHO REPRESENT DESIGNATED
9 MEDICAL SCHOOLS. THE DIRECTOR SHALL APPOINT MEMBERS TO REPRESENT
10 DESIGNATED MEDICAL SCHOOLS BASED ON NOMINEES SUBMITTED BY THE
11 DESIGNATED MEDICAL SCHOOLS. A MEMBER MUST BE A MORTUARY SCIENCE
12 LICENSEE. BY 90 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
13 DIRECTOR SHALL APPOINT THE FIRST MEMBERS TO THE BOARD.

14 (3) A MEMBER OF THE BOARD SHALL SERVE UNTIL HE OR SHE RESIGNS
15 OR IS REMOVED FROM OFFICE OR UNTIL A SUCCESSOR IS APPOINTED. IF A
16 VACANCY OCCURS ON THE BOARD, THE DIRECTOR SHALL APPOINT A MEMBER TO
17 THE BOARD IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT. THE
18 DIRECTOR MAY REMOVE A MEMBER OF THE BOARD FOR INCOMPETENCE;
19 DERELICTION OF DUTY; MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN
20 OFFICE; OR ANY OTHER GOOD CAUSE. A MEMBER OF THE BOARD SHALL SERVE
21 WITHOUT COMPENSATION.

22 (4) THE DIRECTOR SHALL CALL THE FIRST MEETING OF THE BOARD. AT
23 THE FIRST MEETING, AND BIENNIALY AFTER THE FIRST MEETING, THE
24 BOARD SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND OTHER
25 OFFICERS IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER THE FIRST
26 MEETING, THE BOARD SHALL MEET AT LEAST QUARTERLY, OR MORE
27 FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY 2/3 OR

1 MORE OF ITS MEMBERS.

2 (5) A MAJORITY OF THE MEMBERS OF THE BOARD CONSTITUTE A QUORUM
3 FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE BOARD. A
4 MAJORITY OF THE MEMBERS OF THE BOARD ARE REQUIRED FOR OFFICIAL
5 ACTION OF THE BOARD.

6 (6) THE BOARD SHALL CONDUCT ITS BUSINESS AT A PUBLIC MEETING
7 OF THE BOARD HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA
8 267, MCL 15.261 TO 15.275. A WRITING PREPARED, OWNED, USED, IN THE
9 POSSESSION OF, OR RETAINED BY THE BOARD IN THE PERFORMANCE OF AN
10 OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT,
11 1976 PA 442, MCL 15.231 TO 15.246.

12 (7) THE BOARD SHALL DO ALL OF THE FOLLOWING:

13 (A) COMPLY WITH THE REQUIREMENTS OF THIS PART.

14 (B) DEVELOP CRITERIA, STANDARDS, AND PROCEDURES NOT
15 INCONSISTENT WITH THIS PART FOR CONSIDERATION OF UNCLAIMED BODIES
16 THAT ARE SUITABLE FOR SCIENTIFIC USE.

17 (C) WORK TOGETHER TO PROVIDE FOR STATEWIDE CONSIDERATION OF
18 UNCLAIMED BODIES FOR SCIENTIFIC USE.

19 (D) AT LEAST ANNUALLY NOTIFY INTERESTED PARTIES ABOUT BOARD
20 PROCEDURES FOR SCIENTIFIC USE OF DEAD HUMAN BODIES, CONTACT
21 INFORMATION, AND ANY OTHER RELEVANT INFORMATION.

22 (E) MAINTAIN PERMANENT RECORDS OF ALL OF THE INFORMATION
23 REQUIRED UNDER THIS PART FOR ALL DEAD HUMAN BODIES RECEIVED BY
24 MEMBERS OF THE BOARD.

25 (F) PROVIDE AN ANNUAL REPORT TO THE DIRECTOR, THE HOUSE AND
26 SENATE STANDING COMMITTEES WITH JURISDICTION OVER ISSUES PERTAINING
27 TO PUBLIC HEALTH, THE HOUSE AND SENATE APPROPRIATIONS SUBCOMMITTEES

1 ON COMMUNITY HEALTH, AND THE HOUSE AND SENATE FISCAL AGENCIES THAT
2 INCLUDES THE INFORMATION THE BOARD IS REQUIRED TO MAINTAIN.

3 (8) THE BOARD MAY DO ANY OF THE FOLLOWING:

4 (A) PROVIDE FURTHER INFORMATION OR RECOMMENDATIONS TO THE
5 DIRECTOR RELATED TO THE ACTIVITIES OF THE BOARD.

6 (B) DEVELOP PROCEDURES AS NECESSARY THAT ARE NOT INCONSISTENT
7 WITH THIS PART.

8 SEC. 2913. (1) A MEMBER OF THE BOARD SHALL RECEIVE UNCLAIMED
9 BODIES THAT ARE SUITABLE FOR SCIENTIFIC USE FROM ALL GEOGRAPHIC
10 AREAS OF THIS STATE. A MEMBER OF THE BOARD MAY RECEIVE DEAD HUMAN
11 BODIES AS OTHERWISE PROVIDED BY LAW. UPON RECEIPT OF A DEAD HUMAN
12 BODY, THE MEMBER OF THE BOARD SHALL GIVE THE BODY AN IDENTIFICATION
13 NUMBER AND ASSIGN A DESIGNATION THAT IDENTIFIES WHETHER THE BODY
14 WAS DONATED, WILLED, OR UNCLAIMED.

15 (2) A MEMBER OF THE BOARD MAY ALLOCATE DEAD HUMAN BODIES IT
16 RECEIVES TO TEACHING INSTITUTIONS, HOSPITALS, AND OTHER PERSONS
17 THAT REQUIRE THEM FOR EDUCATIONAL USE AS PROVIDED IN SECTION 2919.

18 (3) THE BOARD SHALL KEEP PERMANENT RECORDS OF ALL RECORD
19 ELEMENTS REQUIRED UNDER THIS PART AND OF THE RECEIPT AND
20 DISPOSITION OF ALL DEAD HUMAN BODIES A MEMBER OF THE BOARD
21 RECEIVES.

22 SEC. 2915. (1) A PERSON IN CHARGE OR CONTROL OF A DECEDENT'S
23 BODY SHALL ATTEMPT TO IDENTIFY AND NOTIFY A PERSON WITH AUTHORITY
24 IN THE MANNER PRESCRIBED IN SECTION 3206 OF THE ESTATES AND
25 PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.3206.

26 (2) IF AN ATTEMPT TO LOCATE A PERSON WITH AUTHORITY WILLING TO
27 CLAIM THE DECEDENT'S BODY AS PROVIDED IN SUBSECTION (1) IS

1 UNSUCCESSFUL, THE PERSON IN CHARGE OR CONTROL OF A DECEDENT'S BODY
2 SHALL CONTACT THE COUNTY MEDICAL EXAMINER AS REQUIRED IN SECTION
3 3206 OF THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386,
4 MCL 700.3206. THE COUNTY MEDICAL EXAMINER SHALL ACT AS THE PERSON
5 WITH AUTHORITY UNDER THIS SECTION, AS REQUIRED IN SECTION 3206 OF
6 THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL
7 700.3206. THE COUNTY MEDICAL EXAMINER SHALL CONTACT THE BOARD
8 WITHIN 72 HOURS OF DEATH FOR A DETERMINATION OF WHETHER THE
9 UNCLAIMED BODY IS SUITABLE FOR SCIENTIFIC USE.

10 (3) A PERSON WITH AUTHORITY MAY AUTHORIZE THAT A DECEDENT'S
11 BODY BECOME AVAILABLE TO THE BOARD AS AN UNCLAIMED BODY FOR
12 SCIENTIFIC USE. THE PERSON WITH AUTHORITY OR HIS OR HER DESIGNEE
13 SHALL CONTACT THE BOARD WITHIN 72 HOURS OF DEATH FOR A
14 DETERMINATION OF WHETHER THE UNCLAIMED BODY IS SUITABLE FOR
15 SCIENTIFIC USE. A PERSON WITH AUTHORITY MAY LATER CLAIM AN
16 UNCLAIMED BODY THAT HAS BEEN DETERMINED SUITABLE FOR SCIENTIFIC USE
17 BEFORE FINAL DISPOSITION OF THE UNCLAIMED BODY, THROUGH A MORTUARY
18 SCIENCE LICENSEE.

19 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART TO THE
20 CONTRARY, IF THE DECEDENT, WHOSE BODY IS AN UNCLAIMED BODY UNDER
21 THIS SECTION, WAS A MEMBER OF A RELIGIOUS FAITH MAINTAINING A
22 BENEVOLENT ASSOCIATION THAT WILL PROVIDE FOR THE FINAL DISPOSITION
23 OF THE UNCLAIMED BODY IN ACCORDANCE WITH THE TENETS OF THE
24 RELIGION, THE PERSON IN CHARGE OR CONTROL OF THE UNCLAIMED BODY
25 SHALL NOTIFY THE BENEVOLENT ASSOCIATION OF THE DEATH OF THE
26 DECEDENT BY TELEPHONE, FACSIMILE, OR ELECTRONIC MAIL, AND SHALL
27 SURRENDER THE BODY TO THE BENEVOLENT ASSOCIATION UPON REQUEST. A

1 BENEVOLENT ASSOCIATION THAT IS WILLING TO PROVIDE FOR THE FINAL
2 DISPOSITION OF THE UNCLAIMED BODIES OF DECEDENTS WHO WERE MEMBERS
3 OF ITS RELIGIOUS FAITH SHALL NOTIFY THE BOARD AND OTHER INTERESTED
4 PARTIES OF THAT WILLINGNESS.

5 SEC. 2917. THE HANDLING, EMBALMING, TRANSPORTATION, AND FINAL
6 DISPOSITION OF AN UNCLAIMED BODY MUST BE UNDER THE SUPERVISION OF A
7 MORTUARY SCIENCE LICENSEE. AN UNCLAIMED BODY MUST BE DISPOSED OF BY
8 ANY LAWFUL MEANS, UNLESS THE BODY IS RECLAIMED BY A PERSON WITH
9 AUTHORITY THROUGH A MORTUARY SCIENCE LICENSEE OR SURRENDERED TO A
10 BENEVOLENT ASSOCIATION UNDER SECTION 2915.

11 SEC. 2919. A TEACHING INSTITUTION, HOSPITAL, OR PERSON OTHER
12 THAN A MEMBER OF THE BOARD MAY SUBMIT A WRITTEN REQUEST TO THE
13 BOARD TO RECEIVE UNCLAIMED BODIES FOR EDUCATIONAL USE. THE BOARD
14 SHALL EVALUATE A WRITTEN REQUEST RECEIVED UNDER THIS SUBSECTION
15 ACCORDING TO PROCEDURES AND STANDARDS ESTABLISHED BY THE BOARD. THE
16 EDUCATIONAL USE NEEDS OF UNDERGRADUATE MEDICAL AND DENTAL SCHOOLS
17 IN THIS STATE HAVE PRIORITY OVER OTHER REQUESTS FOR BODIES UNDER
18 THIS PART.

19 SEC. 2920. A PERSON THAT RECEIVES AN UNCLAIMED BODY FOR
20 SCIENTIFIC USE SHALL BEAR ALL EXPENSE INCURRED IN THE PRESERVATION,
21 TRANSPORTATION, AND FINAL DISPOSITION OF THE UNCLAIMED BODY. THE
22 PERSON SHALL KEEP A PERMANENT RECORD OF UNCLAIMED BODIES RECEIVED,
23 INCLUDING THE IDENTIFICATION NUMBER AND DESIGNATION ASSIGNED UNDER
24 SECTION 2913, NAME, AGE, SEX, DATE OF DEATH, PLACE OF LAST
25 RESIDENCE, SOURCE, METHOD OF DISPOSITION, FINAL RESTING PLACE, AND
26 DATE INTERRED.

27 SEC. 2921. (1) THE DEPARTMENT MAY PROMULGATE RULES UNDER THE

1 ADMINISTRATIVE PROCEDURES ACT OF 1969 THAT IT DETERMINES NECESSARY
2 TO IMPLEMENT THIS PART.

3 (2) R 325.951 TO R 325.955 OF THE MICHIGAN ADMINISTRATIVE CODE
4 ARE RESCINDED.

5 SEC. 2923. (1) A PERSON THAT UNLAWFULLY DISPOSES OF, USES, OR
6 SELLS A DEAD HUMAN BODY OR PART OF A DEAD HUMAN BODY OR WHO
7 VIOLATES THIS PART IS GUILTY OF A MISDEMEANOR.

8 (2) THE PENALTIES AND REMEDIES UNDER THIS PART ARE CUMULATIVE.
9 THE BRINGING OF AN ACTION OR PROSECUTION UNDER THIS PART DOES NOT
10 BAR AN ACTION OR PROSECUTION UNDER ANY OTHER APPLICABLE LAW.

11 Sec. 10204. (1) Except as otherwise provided in subsection
12 (2), a person shall not knowingly acquire, receive, or otherwise
13 transfer a human organ or part of a human organ for valuable
14 consideration for any purpose, including but not limited to
15 transplantation, implantation, infusion, injection, or other
16 medical or scientific purpose. A person who violates this
17 subsection is guilty of a felony.

18 (2) Subsection (1) does not prohibit 1 or more of the
19 following practices:

20 (a) The removal and use of a human cornea pursuant to section
21 10202, or the removal and use of a human pituitary gland pursuant
22 to section 2855.

23 (b) An anatomical gift pursuant to part 101, or the
24 ~~acquisition~~ **RECEIPT** or ~~distribution~~ **DISPOSITION** of **DEAD HUMAN**
25 ~~bodies or parts by the department pursuant to sections 2652 to~~
26 ~~2663.~~ **BY THE ANATOMY BOARD UNDER PART 29.**

27 (c) Financial assistance payments provided under a plan of

1 insurance or other health care coverage.

2 (3) Except as otherwise provided in part 101, only an
3 individual who is 1 of the following may surgically remove a human
4 organ for transplantation, implantation, infusion, injection, or
5 any other medical or scientific purpose:

6 (a) A physician licensed under article 15.

7 (b) An individual acting under the delegatory authority and
8 supervision of a physician pursuant to section 16215(2), but not
9 including an individual whose license has been suspended under
10 article 15. This subdivision includes, but is not limited to, an
11 individual described in section 16215(3).

12 (c) An individual residing in another state and authorized to
13 practice allopathic medicine or osteopathic medicine and surgery in
14 that state who is called into this state by a physician licensed
15 under article 15 and is authorized by a hospital licensed under
16 article 17 to surgically remove 1 or more of the following organs
17 for transport back to the other state:

18 (i) A heart.

19 (ii) A liver.

20 (iii) A lung.

21 (iv) A pancreas.

22 (v) A kidney.

23 (vi) All or part of an intestine.

24 (vii) Any other human organ specified by rule promulgated by
25 the department under subsection (6).

26 (4) An individual who violates subsection (3) is guilty of a
27 felony.

1 (5) As used in this section:

2 (a) "Human organ" means the human kidney, liver, heart, lung,
3 pancreas, intestine, bone marrow, cornea, eye, bone, skin,
4 cartilage, dura mater, ligaments, tendons, fascia, pituitary gland,
5 and middle ear structures and any other human organ specified by
6 rule promulgated by the department under subsection (6). Human
7 organ does not include whole blood, blood plasma, blood products,
8 blood derivatives, other self-replicating body fluids, or human
9 hair.

10 (b) "Valuable consideration" does not include the reasonable
11 payments associated with the removal, transportation, implantation,
12 processing, preservation, quality control, and storage of a human
13 organ or the medical expenses and expenses of travel, housing, and
14 lost wages incurred by the donor of a human organ in connection
15 with the donation of the human organ.

16 (6) The department may promulgate rules to specify human
17 organs in addition to the human organs listed in subsection (3)(c)
18 or (5)(a).

19 Enacting section 1. Sections 2652 to 2663 of the public health
20 code, 1978 PA 368, MCL 333.2652 to 333.2663, are repealed.