

Legislative Analysis



ORGAN TRANSPLANT FROM HIV-POSITIVE INDIVIDUAL

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<http://www.house.mi.gov/hfa>

House Bill 5484 as introduced
Sponsor: Rep. Rebekah Warren
Committee: Health Policy
Complete to 11-9-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5484 would amend the Public Health Code to allow for the transplantation of an organ from an HIV-positive individual under certain circumstances.

Generally under the code, if the results of an HIV test are positive, the test subject's blood or human tissues, organs, or other specimens may not be used for transplantation, transfusion, introduction, or injection into a human body. If there is insufficient time for testing given the viability window, the recipient may receive the blood, tissues, organs, or other specimens following informed consent that testing was not conducted.

The bill would instead provide that an individual could receive an organ from an HIV-positive individual if the recipient was also HIV-positive, was informed that the donor tested positive, and he or she and the person responsible for the transplantation agreed in writing to the use of the organ. If the recipient was a minor, the parent, legal guardian, or person in loco parentis of the minor would have to be informed of the HIV-positive test and agree to the use of the organ.

The bill would take effect 90 days after enactment.

MCL 333.9123

FISCAL IMPACT:

House Bill 5484 would not have any fiscal implications for state or local units of government.

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