

# Legislative Analysis



## ORGAN TRANSPLANT FROM HIV-POSITIVE INDIVIDUAL

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

**House Bill 4521 as reported from committee**

**Sponsor: Rep. Felicia Brabec**

**Committee: Health Policy**

**Complete to 6-15-21**

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

*(Enacted as Public Act 128 of 2021)*

### SUMMARY:

House Bill 4521 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 *may* receive an organ from an HIV-positive individual if the recipient is also HIV-positive, the recipient is informed that the donor tested positive, and the recipient and the person responsible for the transplantation agree in writing to the use of the organ. If the recipient were 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 its enactment.

MCL 333.9123

### BACKGROUND:

House Bill 4521 would bring Michigan in line with the federal HIV Organ Policy Equity Act, or HOPE Act, signed into law in November 2013. Reportedly, Gift of Life Michigan already recovers organs from HIV-positive donors under the HOPE Act, but those organs are sent out of state currently.

The bill is a reintroduction of House Bill 5484<sup>1</sup> of the 2019-20 legislative session. That bill was referred by the House Health Policy committee to the House Ways and Means committee.

### FISCAL IMPACT:

House Bill 4521 would have no fiscal impact on the state or local units of government.

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<sup>1</sup> House Fiscal Agency summary of House Bill 5484 of 2019-20: <http://www.legislature.mi.gov/documents/2019-2020/billanalysis/House/pdf/2019-HLA-5484-1B1BEE96.pdf>

## **POSITIONS:**

A representative of Gift of Life Michigan testified in support of the bill. (5-20-21)

The following entities indicated support for the bill:

- University of Michigan Transplant Center (5-20-21)
- HIV/AIDS Alliance of Michigan (5-20-21)
- Henry Ford Health System (5-20-21)
- Ascension Health (5-27-21)

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