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House Bill 4521 (as passed by the House)  
Sponsor: Representative Felicia Brabec  
House Committee: Health Policy  
Senate Committee: Health Policy and Human Services

Date Completed: 7-14-21

### **CONTENT**

**The bill would amend the Public Health Code to allow an organ that tested positive for human immunodeficiency virus (HIV) to be transplanted into a human body under certain circumstances.**

Section 9123 of the Code requires, except as otherwise provided, a person, including a licensee under Article 15 (Occupations) or Article 17 (Facilities and Agencies) that procures or collects blood or human tissues, organs, or other specimens for purposes of transplantation, transfusion, introduction, or injection into a human body to test or provide for the testing of each potential donor or each sample or specimen of blood or tissue, or each organ or other human specimen for the presence in the donor, sample, specimen, or organ of HIV or an antibody to HIV.

Generally, unless a person donates blood exclusively for his or her own transfusion needs, if the results of an HIV test performed for these purposes is positive, the blood, tissue, organ, or other human specimen may not be used for transplantation, transfusion, introduction, or injection into a human body. The bill specifies that this prohibition would apply except as otherwise provided below.

Under the bill, if the results of a test performed on an organ were positive, the organ could be used for purposes of transplantation into a human body if the individual who intended to receive the organ had tested positive for HIV, the individual was informed that the test results performed on the organ were positive, and the individual and the person responsible for the transplantation agreed in writing to the use of the organ. If the individual who intended to receive the organ were a minor, then the parent, legal guardian, or person in loco parentis of the minor would have to be informed that the test results performed on the organ were positive and would have to agree in writing to the use of the organ.

The bill would take effect 90 days after its enactment.

MCL 333.9123

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Elizabeth Raczkowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.