

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.10120 Donor registry; establishment by organ procurement organization; duties of secretary of state and department of treasury; requirements to be met by donor registry; disclosure of identifiable information; donor registry not established by or under contract with state.

Sec. 10120. (1) The organ procurement organization may establish or contract for the establishment of a donor registry.

(2) As provided for in section 2 of 1972 PA 222, MCL 28.292, and section 310 of the Michigan vehicle code, 1949 PA 300, MCL 257.310, the secretary of state shall inquire of each applicant, licensee, or identification card holder, in person or by mail, whether the individual agrees to participate in a donor registry as described in this part. The secretary of state shall maintain a record of an individual who indicates a willingness to have his or her name placed on the donor registry. The secretary of state shall maintain the donor registry in a manner that provides electronic access, including, but not limited to, the transfer of data, to the organ procurement organization or its successor organization, tissue banks, and eye banks. The secretary of state shall administer the donor registry in a manner that complies with subsections (4) and (5).

(3) As provided for in section 474 of the income tax act of 1967, 1967 PA 281, MCL 206.474, the department of treasury shall transmit to the secretary of state the donor registry schedule filed by each individual who indicates a willingness to have the individual's name placed on the donor registry described under subsection (2). The department of treasury shall transmit the information described under this subsection in the manner and frequency determined by the department of treasury and the secretary of state. The secretary of state shall maintain a record of each donor registry schedule received from the department of treasury and add that individual to the donor registry described under subsection (2).

(4) A donor registry under this section must meet all of the following requirements:

(a) Be accessible to a procurement organization to allow it to obtain the name, address, and date of birth of individuals on the donor registry to determine, at or near death of the donor or a prospective donor, whether the donor or prospective donor has made an anatomical gift.

(b) Provide electronic access, including, but not limited to, the transfer of data for purposes of subdivision (a) on a 7-day-a-week, 24-hour-a-day basis at no cost to the procurement organization.

(5) Personally identifiable information on a donor registry about a donor or prospective donor must not be used or disclosed without the express consent of the donor, prospective donor, or person that made the anatomical gift for any purpose other than to determine, at or near death of the donor or prospective donor, whether the donor or prospective donor has made, amended, or revoked an anatomical gift.

(6) This section does not prohibit any person from creating or maintaining a donor registry that is not established by or under contract with this state. A donor registry that is not established by or under contract with this state shall do all of the following:

(a) Comply with subsections (4) and (5).

(b) Within 30 days of its establishment, notify the organ procurement organization of its establishment.

(c) Within 30 days of its establishment, give the organ procurement organization full access to its records of anatomical gifts and amendments to or revocations of anatomical gifts.

History: Add. 2008, Act 39, Eff. May 1, 2008;—Am. 2023, Act 101, Imd. Eff. July 19, 2023.

Popular name: Act 368

Popular name: Uniform Anatomical Gift Act