

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.10205 Surgical removal of human organ for transplant, implant, infusion, injection or other purpose; facilities; exceptions; rules; violation as felony.

Sec. 10205. (1) Except as otherwise provided in subsections (2) and (3), an individual who surgically removes a human organ for transplantation, implantation, infusion, injection, or any other medical or scientific purpose shall perform the surgery only in 1 of the following facilities:

(a) A hospital licensed under article 17.

(b) A facility approved by the director of the department of licensing and regulatory affairs under subsection (4).

(c) A facility operated by a federally designated organ procurement organization for the state of Michigan.

(2) An individual who surgically removes a human organ consisting of tissue, a cornea, or a whole eye for transplantation, implantation, infusion, injection, or any other medical or scientific purpose shall perform the removal surgery only in 1 of the following facilities or in a hospital or other facility described in subsection (1):

(a) A mortuary that is part of a funeral establishment owned or operated by the holder of a license for the practice of mortuary science issued under article 18 of the occupational code, 1980 PA 299, MCL 339.1801 to 339.1812.

(b) A morgue or a facility operated by a county medical examiner appointed under 1953 PA 181, MCL 52.201 to 52.216.

(3) Subsections (1) and (2) do not apply to a licensed allopathic physician or osteopathic physician who performs a biopsy or the routine removal of human tissue from a patient in the physician's private practice office or other health facility licensed under article 17 for the diagnosis or treatment of that patient and not for purposes of transplantation, implantation, infusion, or injection.

(4) The director of the department of licensing and regulatory affairs may promulgate rules to designate 1 or more approved facilities for purposes of subsection (1)(b).

(5) An individual who violates subsection (1) or (2) is guilty of a felony.

History: Add. 1999, Act 62, Eff. Sept. 1, 1999;—Am. 2016, Act 71, Imd. Eff. Apr. 5, 2016.

Compiler's note: Former MCL 333.10205, which pertained to expiration of part, was repealed by Act 158 of 1982, Imd. Eff. May 20, 1982.

Popular name: Act 368