



HOUSE BILL No. 5678

April 25, 2000, Introduced by Reps. DeWeese, Hart, Kuipers, Birkholz, Bradstreet, Shackleton, Julian, Tabor, Garcia, Voorhees, Gilbert, Kukuk, Van Woerkom and Ehardt and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2848 and 13811 (MCL 333.2848 and 333.13811), section 13811 as added by 1990 PA 21, and by adding sections 16268 and 20185.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2848. (1) Except as provided in sections 2844 and
2 2845, NOT LATER THAN 72 HOURS AFTER DEATH OR THE FINDING OF A
3 DEAD BODY AND BEFORE FINAL DISPOSITION OF THE BODY, a funeral
4 director or person acting as a funeral director —, who first
5 assumes custody of a dead body —, ~~not later than 72 hours after~~
6 ~~death or the finding of a dead body and before final disposition~~
7 ~~of the body,~~ shall obtain authorization for the final
8 disposition. The authorization shall be issued on a form

1 prescribed by the state registrar and signed by the local
2 registrar or the state registrar.

3 (2) Before final disposition of a dead fetus, irrespective
4 of the duration of pregnancy, the funeral director or person
5 assuming responsibility for the final disposition of the fetus
6 shall obtain from the parents, or parent in case of an unmarried
7 mother, an authorization for final disposition on a form pre-
8 scribed and furnished or approved by the state registrar. The
9 authorization may allow final disposition to be by a funeral
10 director, the individual in charge of the ~~institution~~ HEALTH
11 FACILITY where the fetus was delivered, THE HEALTH PROFESSIONAL
12 WHO DELIVERED THE FETUS IF THE FETUS WAS DELIVERED OUTSIDE OF A
13 HEALTH FACILITY, or an institution or agency authorized to accept
14 donated bodies or fetuses under this code. After final disposi-
15 tion, the funeral director, the individual in charge of the
16 ~~institution~~ HEALTH FACILITY WHERE THE FETUS WAS DELIVERED, THE
17 HEALTH PROFESSIONAL DESCRIBED IN THIS SUBSECTION, or other person
18 making the final disposition shall retain the ~~permit~~
19 AUTHORIZATION for not less than 7 years.

20 (3) If final disposition is by cremation, the medical
21 examiner of the county in which death occurred shall sign the
22 authorization REQUIRED UNDER THIS SECTION.

23 (4) A body may be moved from the place of death to be pre-
24 pared for final disposition with the consent of the physician or
25 medical examiner who certifies the cause of death.

26 (5) A permit for disposition issued under the law of another
27 state ~~which~~ THAT accompanies a dead body or dead fetus brought

1 into this state is authorization for final disposition of the
2 body or fetus in this state.

3 Sec. 13811. A producing facility shall store, decontami-
4 nate, and dispose of medical waste pursuant to the following:

5 (a) Cultures and stocks of material contaminated with an
6 infectious agent shall be stored in closed, puncture-resistant
7 containers, decontaminated by autoclaving or incineration, and
8 disposed of in a sanitary landfill.

9 (b) Blood and blood products and body fluids shall be dis-
10 posed of by 1 or more of the following methods:

11 (i) Flushing down a sanitary sewer.

12 (ii) Decontaminating by autoclaving or incineration.

13 (iii) Solidifying.

14 (iv) If not in liquid form, transferring to a sanitary
15 landfill.

16 (v) A process approved by the department.

17 (c) ~~Pathological~~ SUBJECT TO SUBPARAGRAPHS (i) AND (iii),
18 PATHOLOGICAL waste shall be disposed of by 1 or more of the fol-
19 lowing methods:

20 (i) Incineration or cremation. HOWEVER, PATHOLOGICAL WASTE
21 CONSISTING OF THE PRODUCTS OF HUMAN CONCEPTION CONSISTING OF AN
22 EMBRYO, NEONATE, OR FETUS SHALL BE DISPOSED OF ONLY PURSUANT TO
23 SECTION 16268 OR 20185.

24 (ii) Grinding and flushing into a sanitary sewer.

25 (iii) Burial in a cemetery, if transported in leakproof con-
26 tainers of sufficient integrity to prevent rupture. HOWEVER,
27 PATHOLOGICAL WASTE CONSISTING OF THE PRODUCTS OF HUMAN CONCEPTION

1 IN THE FORM OF AN EMBRYO OR NEONATE OR FETUS SHALL BE DISPOSED OF
2 ONLY PURSUANT TO SECTION 16268 OF 20185.

3 (iv) Grinding until rendered unrecognizable, stored in
4 closed, puncture-resistant, properly labeled containers, and, if
5 not in liquid form, disposed of in a sanitary landfill.

6 (v) A process approved by the department.

7 (d) Sharps shall be disposed of by 1 of the following
8 methods:

9 (i) Placement in rigid, puncture-resistant containers that
10 are appropriately labeled and transported to a sanitary landfill
11 in a manner that retains the integrity of the container.

12 (ii) Incineration or decontamination and grinding that
13 renders the objects unrecognizable. Ground sharps shall be
14 placed in a sealed, rupture-resistant container and transported
15 to a sanitary landfill.

16 (iii) A process approved by the department.

17 (e) Animal waste contaminated with organisms infectious to
18 humans shall be disposed of by incineration or by burial in a
19 sanitary landfill in properly labeled, double containers that are
20 leakproof and puncture-resistant and are tightly sealed to pre-
21 vent escape of fluids or material. Contaminated animal organs
22 disposed of separately shall be rendered unrecognizable.

23 SEC. 16268. (1) A LICENSEE WHO PROVIDES OBSTETRICAL SERV-
24 ICES OR ABORTION SERVICES, OR BOTH, OUTSIDE OF A HEALTH FACILITY
25 OR AGENCY LICENSED UNDER ARTICLE 17 SHALL DISPOSE OF A DEAD
26 EMBRYO OR NEONATE BY CREMATION AND BURIAL OF THE REMAINS IN A
27 CEMETERY OR BY DIRECT BURIAL IN A CEMETERY.

1 (2) IF A LICENSEE DESCRIBED IN SUBSECTION (1) HAS BEEN
2 AUTHORIZED PURSUANT TO SECTION 2848 TO DISPOSE OF A DEAD FETUS,
3 THE LICENSEE SHALL DISPOSE OF THE FETUS BY CREMATION AND BURIAL
4 OF THE REMAINS IN A CEMETERY OR BY DIRECT BURIAL IN A CEMETERY.

5 SEC. 20185. (1) A HEALTH FACILITY OR AGENCY THAT PROVIDES
6 OBSTETRICAL SERVICES OR ABORTION SERVICES, OR BOTH, SHALL DISPOSE
7 OF A DEAD EMBRYO OR NEONATE BY CREMATION AND BURIAL OF THE
8 REMAINS IN A CEMETERY OR BY DIRECT BURIAL IN A CEMETERY.

9 (2) IF A HEALTH FACILITY OR AGENCY THAT PROVIDES OBSTETRICAL
10 SERVICES OR ABORTION SERVICES, OR BOTH, HAS BEEN AUTHORIZED PUR-
11 SUANT TO SECTION 2848 TO DISPOSE OF A DEAD FETUS, THE HEALTH
12 FACILITY SHALL CREMATE THE DEAD FETUS AND BURY THE REMAINS IN A
13 CEMETERY OR PROVIDE FOR DIRECT BURIAL OF THE DEAD FETUS IN A
14 CEMETERY.