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Senate Bill 710 (Substitute S-2 as reported)
Senate Bills 711 through 715 (as reported without amendment)
Sponsor: Senator John J. Gleason (S.B. 710)
Senator Alan Sanborn (S.B. 711)
Senator Hansen Clarke (S.B. 712)
Senator Jason E. Allen (S.B. 713)
Senator Roger Kahn, M.D. (S.B. 714)
Senator Gilda Z. Jacobs (S.B. 715)
Committee: Health Policy

CONTENT

Senate Bill 710 (S-2) would amend Part 101 (Uniform Anatomical Gift Law) and Part 102 (Disposition of Human Body Parts) of the Public Health Code to do the following:

- Change the title of Part 101 to the "Revised Uniform Anatomical Gift Law".
- Revise the criteria that an individual must meet to make an anatomical gift during his or her life.
- Revise the list of people who are authorized to make an anatomical gift on a donor's behalf upon or near death.
- Revise provisions pertaining to a document of gift and procedures for amending or revoking a document of gift.
- Revise procedures for determining the recipient of an anatomical gift.
- Prescribe procedures by which an individual could refuse to make an anatomical gift.
- Require a record search to determine whether a decedent had made an anatomical gift.
- Require each hospital to enter into agreements or affiliations with procurement organizations, and authorize administrative sanctions for failure to comply.
- Repeal a section requiring hospitals to implement a policy for the request of anatomical gifts upon or near the death of a patient.
- Require the Secretary of State to maintain a donor registry that provided electronic access to procurement organizations.
- Allow people to create and maintain a donor registry that was not established by or under contract with the State, and require it to give an organ procurement organization access to its records of anatomical gifts.
- Make it a felony to purchase or sell a body part for transplant or falsify or damage a document of gift for financial gain, and prescribe criminal penalties.

Senate Bills 711, 712, 714, and 715 would amend various statutes to revise references to provisions of the Uniform Anatomical Gift Law.

Senate Bill 711 would amend Public Act 222 of 1972 (which provides for an official State personal identification card). Senate Bill 712 would amend the Michigan Vehicle Code. Senate Bill 714 would amend Public Act 181 of 1953 (which governs county medical examiners). Senate Bill 715 would amend the Estates and Protected Individuals Code.

Senate Bill 713 would amend the Code of Criminal Procedure to add to the sentencing guidelines purchasing or selling a body part of a deceased individual for transplantation or therapy, and falsifying, concealing, or defacing a document of anatomical gift for financial

gain (proposed by Senate Bill 710 (S-2)). These offenses would be Class E felonies against public order with a five-year statutory maximum.

All of the bills are tie-barred to each other.

MCL 333.10101 et al. (S.B. 710)
28.292 (S.B. 711)
257.307 & 257.310 (S.B. 712)
777.13n (S.B. 713)
52.209 (S.B. 714)
700.3206 et al. (S.B. 715)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

Senate Bills 710 (S-2) & 713

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offenses relating to anatomical gifts. The fine and maximum sentence for purchasing or selling anatomical gifts would be the same as in Federal law. An offender convicted of a Class E offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months. To the extent that the bills resulted in increased convictions or incarceration time, local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$31,000. Additional penal fine revenue would benefit public libraries.

The bills would have no fiscal impact on the Department of State or the Department of Community Health.

Senate Bills 711, 712, 714, & 715

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

Date Completed: 12-3-07

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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.