

# HOUSE BILL No. 4944

June 19, 2007, Introduced by Reps. Gaffney, Alma Smith, Bieda, Byrnes, Green, Tobocman, Miller, Leland, Angerer, Donigan and Dean and referred to the Committee on Health Policy.

A bill to amend 1953 PA 181, entitled

"An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon,"

by amending section 9 (MCL 52.209), as added by 2005 PA 176.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 9. (1) If a county medical examiner or his or her  
2   designee receives notification from a person other than a  
3   representative of a hospital of a death that requires an  
4   investigation by the county medical examiner's office pursuant to  
5   this act, the county medical examiner or his or her designee shall

1 take charge of the body. If, upon viewing the body and personally  
2 inquiring into the cause and manner of the death, the county  
3 medical examiner or his or her designee determines that the body,  
4 **SUBJECT TO PART 101 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL**  
5 **333.10101 TO 333.10123, AND** according to criteria established by  
6 Michigan's federally designated organ procurement organization, may  
7 be suitable for donation or for the donation of ~~physical~~-**BODY**  
8 parts, the county medical examiner or his or her designee shall, in  
9 a timely manner as prescribed under subsection (2), contact  
10 Michigan's federally designated organ procurement organization or  
11 its successor organization **AS DEFINED IN SECTION 10102 OF THE**  
12 **PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.10102.** If contacted by the  
13 federally designated organ procurement organization or ~~the eye and~~  
14 ~~tissue~~-**OTHER PROCUREMENT** organization, or both, the county medical  
15 examiner shall enter into an agreement with the federally  
16 designated organ procurement organization and ~~the eye and tissue~~  
17 **OTHER PROCUREMENT** organization that coordinates the recovery and  
18 allocation of anatomical donations in that county. The agreement  
19 shall outline the procedures and protocols of each party to assure  
20 that transplantable organs, tissues, and eyes are obtained from  
21 potential donors **AND SHALL MEET THE REQUIREMENTS OF PART 101 OF THE**  
22 **PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.10101 TO 333.10123.** The  
23 agreement shall provide that if any extraordinary medical  
24 examinations are necessary prior to the removal of organs, tissues,  
25 or eyes, the **PROCUREMENT** organization shall cover those costs. The  
26 county medical examiner or his or her designee may release any  
27 information to the federally designated organ procurement

1 organization or ~~eye and tissue~~ **OTHER PROCUREMENT** organization that  
2 is necessary to identify potential organ, tissue, or eye donors and  
3 seek consent for such donations in accordance with part 101 of the  
4 public health code, 1978 PA 368, MCL 333.10101 to ~~333.10109~~  
5 **333.10123**. A county medical examiner or his or her designee shall  
6 not discuss the option of organ donation with any individual with  
7 the authority to make a gift under ~~section 10102~~ **PART 101** of the  
8 public health code, 1978 PA 368, MCL ~~333.10102~~ **333.10101 TO**  
9 **333.10123**.

10 (2) If an investigation of the cause and manner of death,  
11 regardless of whether the death occurred in a hospital or not, is  
12 required under this act and the county medical examiner or his or  
13 her designee has notice that the individual is a donor or that a  
14 gift of all or a ~~physical~~ part of that individual's body has been  
15 made ~~in accordance with~~ **PURSUANT TO** part 101 of the public health  
16 code, 1978 PA 368, MCL 333.10101 to ~~333.10109~~ **333.10123**, the county  
17 medical examiner or his or her designee shall conduct the  
18 examination of the dead body within a time period that permits  
19 organs, tissues, and eyes to remain viable for transplant. If the  
20 county medical examiner or his or her designee is unable to conduct  
21 the investigation within that period of time, a health care  
22 professional **OR TECHNICIAN** who is authorized to remove an  
23 anatomical gift from a donor **UNDER PART 101 OF THE PUBLIC HEALTH**  
24 **CODE, 1978 PA 368, MCL 333.10101 TO 333.101023**, may remove the  
25 donated tissues or organs, or both, in order to preserve the  
26 viability of the donated tissues or organs for transplant upon  
27 notifying the county medical examiner or his or her designee. If

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1 the county medical examiner or his or her designee determines that  
2 an organ may be related to the cause of death, the county medical  
3 examiner or his or her designee may do 1 or more of the following:

4 (a) Request to be present during the removal of the donated  
5 organs.

6 (b) Request a biopsy of the donated organs.

**[(3) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS "KYLE RAY  
HORNING'S LAW".]**

7 Enacting section 1. This amendatory act does not take effect  
8 unless Senate Bill No. \_\_\_\_ or House Bill No. 4940 (request no.  
9 01547'07) of the 94th Legislature is enacted into law.