

# SENATE BILL NO. 44

January 26, 2023, Introduced by Senators WOJNO, SANTANA, MCCANN, CHANG, SHINK, MCMORROW, CAVANAGH, MOSS, CHERRY, KLINEFELT, GEISS and BAYER and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 16279.

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

1           **Sec. 16279. (1) A licensee or registrant shall comply with**  
2 **both of the following unless 1 of the conditions described in**  
3 **subsection (2) is met:**

4           **(a) He or she shall not perform an invasive bodily examination**  
5 **on an anesthetized or unconscious patient.**

1 (b) He or she shall ensure that a student who is in a health  
2 profession training program does not perform an invasive bodily  
3 examination on an anesthetized or unconscious patient while  
4 performing a duty assigned in the course of training by the  
5 licensee or registrant.

6 (2) An individual described in subsection (1) may perform an  
7 invasive bodily examination on an anesthetized or unconscious  
8 patient if 1 of the following is met before the invasive bodily  
9 examination is performed:

10 (a) The patient or the patient's authorized representative  
11 provides written, informed consent to the invasive bodily  
12 examination, and the invasive bodily examination is necessary for  
13 preventative, diagnostic, or treatment purposes.

14 (b) The patient or the patient's authorized representative has  
15 provided written, informed consent to a surgical procedure or  
16 diagnostic examination to be performed on the patient, and the  
17 performance of the invasive bodily examination is within the scope  
18 of care ordered for the surgical procedure or diagnostic  
19 examination.

20 (c) The patient is unconscious and incapable of providing  
21 informed consent, and the invasive bodily examination is necessary  
22 for diagnostic or treatment purposes.

23 (d) A court has ordered the performance of the invasive bodily  
24 examination for the purposes of collecting evidence.

25 Enacting section 1. This amendatory act does not take effect  
26 unless Senate Bill No. 45 of the 102nd Legislature is enacted into  
27 law.