

**SUBSTITUTE FOR  
HOUSE BILL NO. 4403**

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 10101 (MCL 333.10101) and by adding section  
10102b.

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

1       Sec. 10101. As used in this part:

2       (a) "Bank or storage facility" means a facility licensed,  
3 accredited, or approved under the laws of any state for storage  
4 of human bodies or physical parts thereof.

5       (b) "Decedent" means a deceased individual and includes a  
6 stillborn infant or fetus.

7       (c) "Donor" means an individual who makes a gift of all or a  
8 physical part of his or her body.

9       (d) "Hospital" means a hospital licensed, accredited, or  
10 approved under the laws of any state. It includes a hospital

1 operated by the United States government, a state or a  
2 subdivision thereof, although not required to be licensed under  
3 state laws.

4 (e) "Person" means an individual, corporation, government or  
5 governmental subdivision or agency, business trust, estate,  
6 trust, partnership or association, or any other legal entity.

7 (F) "ORGAN PROCUREMENT ORGANIZATION" MEANS AN ORGANIZATION  
8 THAT MEETS THE REQUIREMENTS FOR A QUALIFIED ORGAN PROCUREMENT  
9 ORGANIZATION SPECIFIED IN SECTION 371 OF THE SOCIAL SECURITY ACT,  
10 42 U.S.C. 273.

11 (G) ~~-(f)-~~ "Physical part" means organs, tissues, eyes,  
12 bones, arteries, blood, other fluids, and any other portions of a  
13 human body.

14 (H) ~~-(g)-~~ "Physician" or "surgeon" means a physician or sur-  
15 geon licensed or authorized to practice under the laws of any  
16 state.

17 (I) ~~-(h)-~~ "State medical school" means the university of  
18 Michigan school of medicine, the Michigan state university col-  
19 lege of human medicine, the Michigan state university college of  
20 osteopathic medicine, or the Wayne state university school of  
21 medicine.

22 (J) "VASCULARIZED ORGAN" MEANS A HEART, LUNG, LIVER, PANCRE-  
23 AS, KIDNEY, INTESTINE, OR OTHER PHYSICAL PART THAT REQUIRES THE  
24 CONTINUOUS CIRCULATION OF BLOOD TO REMAIN USEFUL FOR PURPOSES OF  
25 TRANSPLANTATION. VASCULARIZED ORGAN DOES NOT INCLUDE TISSUE,  
26 BONE, OR A CORNEA.

**HB4403, As Passed House, May 9, 2001**

Sub. HB 4403 (H-1) as amended May 2, 2001 3

1 SEC. 10102B. [(1)] A VASCULARIZED ORGAN THAT IS OBTAINED BY AN  
2 ORGAN PROCUREMENT ORGANIZATION WHOSE DESIGNATED SERVICE AREA  
3 PRIMARILY INCLUDES AN AREA IN THIS STATE SHALL BE USED WITHIN  
4 THAT DESIGNATED SERVICE AREA UNLESS THE DONOR OF THE VASCULARIZED  
5 ORGAN HAS GIVEN IT TO A SPECIFIED DONEE WHO HAS ACCEPTED THE GIFT  
6 [OR] UNLESS SUBSECTION (2) APPLIES.

7 (2) IF NO SUITABLE POTENTIAL DONEE FOR THE VASCULARIZED  
8 ORGAN IS SPECIFIED ON A WAITING LIST OF A HOSPITAL THAT IS WITHIN  
9 THE DESIGNATED SERVICE AREA OF THE ORGAN PROCUREMENT ORGANIZATION  
10 TO WHICH THE VASCULARIZED ORGAN IS OFFERED UNDER SUBSECTION (1),  
11 THE ORGAN PROCUREMENT ORGANIZATION SHALL OFFER THE VASCULARIZED  
12 ORGAN FOR USE BY AN ENTITY THAT DISTRIBUTES VASCULARIZED ORGANS  
13 ON A REGIONAL OR NATIONAL BASIS UNDER A CONTRACT WITH THE FEDERAL  
14 DEPARTMENT OF HEALTH AND HUMAN SERVICES OR A SUBCONTRACT WITH A  
15 CONTRACTOR WITH THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN  
16 SERVICES.