

# HOUSE BILL No. 4403

March 6, 2001, Introduced by Reps. Jansen, Richardville, Julian, Vear and Raczkowski and referred to the Committee on Health Policy.

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.

1        SEC. 10102B. (1) EACH HOSPITAL IN THIS STATE, AFTER  
2 CONSULTATION WITH OTHER HOSPITALS AND WITH THE ORGAN PROCUREMENT  
3 ORGANIZATION IN WHOSE DESIGNATED SERVICE AREA THE HOSPITAL IS  
4 LOCATED, SHALL ESTABLISH AGREEMENTS OR AFFILIATIONS FOR COORDINA-  
5 TION OF PROCUREMENT AND USE OF HUMAN BODIES AND PHYSICAL PARTS.

6        (2) A VASCULARIZED ORGAN THAT IS OBTAINED BY AN ORGAN PRO-  
7 CUREMENT ORGANIZATION WHOSE DESIGNATED SERVICE AREA PRIMARILY  
8 INCLUDES AN AREA IN THIS STATE SHALL BE USED WITHIN THAT DESIG-  
9 NATED SERVICE AREA UNLESS THE DONOR OF THE VASCULARIZED ORGAN HAS  
10 GIVEN IT TO A SPECIFIED DONEE WHO HAS ACCEPTED THE GIFT AND  
11 UNLESS SUBSECTION (3) APPLIES.

12        (3) IF NO SUITABLE POTENTIAL DONEE FOR THE VASCULARIZED  
13 ORGAN IS SPECIFIED ON A WAITING LIST OF A HOSPITAL THAT IS WITHIN  
14 THE DESIGNATED SERVICE AREA OF THE ORGAN PROCUREMENT ORGANIZATION  
15 DESCRIBED IN SUBSECTION (2), THAT ORGAN PROCUREMENT ORGANIZATION  
16 SHALL OFFER THE VASCULARIZED ORGAN FOR USE BY ANY OTHER ORGAN  
17 PROCUREMENT ORGANIZATION WHOSE DESIGNATED SERVICE AREA PRIMARILY  
18 INCLUDES AN AREA IN THIS STATE.

19        (4) IF NO SUITABLE POTENTIAL DONEE FOR THE VASCULARIZED  
20 ORGAN IS SPECIFIED ON A WAITING LIST OF A HOSPITAL THAT IS WITHIN  
21 THE DESIGNATED SERVICE AREA OF THE ORGAN PROCUREMENT ORGANIZATION  
22 TO WHICH THE VASCULARIZED ORGAN IS OFFERED UNDER SUBSECTION (3),  
23 THE ORGAN PROCUREMENT ORGANIZATION DESCRIBED IN SUBSECTION (2)  
24 SHALL DO 1 OF THE FOLLOWING:

25        (A) IF THE ORGAN PROCUREMENT ORGANIZATION HAS DETERMINED  
26 THAT IT IS IN THE BEST INTERESTS OF INDIVIDUALS ON WAITING LISTS  
27 IN THIS STATE IN NEED OF TRANSPLANTED VASCULARIZED ORGANS AND

1 WILL INCREASE THE NUMBER OF PEOPLE RECEIVING TRANSPLANTS TO ENTER  
2 INTO A RECIPROCAL ORGAN SHARING AGREEMENT WITH AN ORGAN PROCURE-  
3 MENT ORGANIZATION WHOSE DESIGNATED SERVICE AREA PRIMARILY IS OUT-  
4 SIDE THIS STATE, AND HAS ENTERED INTO SUCH AN AGREEMENT, OFFER  
5 THE VASCULARIZED ORGAN FOR USE BY THE ORGAN PROCUREMENT ORGANIZA-  
6 TION UNDER THE RECIPROCAL ORGAN SHARING AGREEMENT.

7       (B) OFFER THE VASCULARIZED ORGAN FOR USE BY AN ENTITY THAT  
8 DISTRIBUTES VASCULARIZED ORGANS ON A REGIONAL OR NATIONAL BASIS  
9 UNDER A CONTRACT WITH THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN  
10 SERVICES OR A SUBCONTRACT WITH A CONTRACTOR WITH THE FEDERAL  
11 DEPARTMENT OF HEALTH AND HUMAN SERVICES.