

HOUSE BILL No. 6359

December 1, 2004, Introduced by Reps. Hune, Gaffney, Nofs and Gleason and referred to the Committee on Criminal Justice.

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,"

(MCL 52.201 to 52.216) by adding section 9.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) If a county medical examiner or his or her
2 deputy receives notification from a person other than a
3 representative of a hospital of a death that requires an
4 investigation by his or her office pursuant to this act, the
5 county medical examiner or his or her deputy shall take charge of
6 the body, and if, on view of the body and personal inquiry into
7 the cause and manner of the death, the county medical examiner or

1 his or her deputy determines that the body, according to criteria
2 established by Michigan's federally designated organ procurement
3 organization, may be suitable for donation or for the donation of
4 physical parts, the county medical examiner or his or her deputy
5 shall, in a timely manner, contact Michigan's federally
6 designated organ procurement organization or its successor
7 organization. The county medical examiner or his or her deputy
8 shall provide the organization with all necessary contact
9 information to allow the organization to discuss the option of
10 making an anatomical donation and make a request for consent to
11 the gift of all or any physical part of the decedent's body in
12 accordance with part 101 of the public health code, 1978 PA 368,
13 MCL 333.10101 to 333.10109. A county medical examiner or his or
14 her deputy shall not discuss the option of organ donation with
15 any individual with the authority to make a gift under section
16 10102 of the public health code, 1978 PA 368, MCL 333.10102.

17 (2) If an investigation of the cause and manner of death,
18 regardless of whether the death occurred in a hospital or not, is
19 required under this act and the county medical examiner or deputy
20 county medical examiner has notice that the individual is a
21 donor, the county medical examiner or deputy county medical
22 examiner shall conduct the examination of the dead body in a
23 manner and within a time period compatible with the preservation
24 of the tissues or organs for the purpose of transplantation. If
25 the county medical examiner or deputy county medical examiner is
26 unable to conduct the investigation in a manner and within a time
27 period as prescribed under subsection (1), a health care

1 professional who is authorized to remove an anatomical gift from
2 a donor may remove the donated tissues or organs, or both, upon
3 notifying the county medical examiner or deputy county medical
4 examiner. If the county medical examiner or deputy county
5 medical examiner determines that a tissue or organ, or both, may
6 be related to the cause of death, the county medical examiner or
7 deputy county medical examiner shall be present during the
8 removal of those donated tissues or organs, or both, and may
9 request a biopsy of those tissues or organs or deny removal of
10 any tissue or organ, or both. If a county medical examiner or
11 deputy county medical examiner determines that the tissues or
12 organs at issue may have been related to the cause of death, he
13 or she shall include in his or her report the basis for making
14 that determination.