

# HOUSE BILL No. 5418

November 9, 2005, Introduced by Reps. Hune, Gleason, Williams, Kathleen Law, Leland, Sheltroun and Gaffney 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

1 this act, the county medical examiner or his or her designee shall  
2 take charge of the body. If, upon viewing the body and personally  
3 inquiring into the cause and manner of the death, the county  
4 medical examiner or his or her designee determines that the body,  
5 according to criteria established by Michigan's federally  
6 designated organ procurement organization, may be suitable for  
7 donation or for the donation of physical parts, the county medical  
8 examiner or his or her designee shall, in a timely manner as  
9 prescribed under subsection (2), contact Michigan's federally  
10 designated organ procurement organization or its successor  
11 organization. If contacted by the federally designated organ  
12 procurement organization or the eye and tissue organization, or  
13 both, the county medical examiner shall enter into an agreement  
14 with the federally designated organ procurement organization and  
15 the eye and tissue organization that coordinates the recovery and  
16 allocation of anatomical donations in that county. The agreement  
17 shall outline the procedures and protocols of each party to assure  
18 that transplantable organs, tissues, and eyes are obtained from  
19 potential donors. The agreement shall provide that if any  
20 extraordinary medical examinations are necessary prior to the  
21 removal of organs, tissues, or eyes, the organization shall cover  
22 those costs. The county medical examiner or his or her designee may  
23 release any information to the federally designated organ  
24 procurement organization or eye and tissue organization that is  
25 necessary to identify potential organ, tissue, or eye donors and  
26 seek consent for such donations in accordance with part 101 of the  
27 public health code, 1978 PA 368, MCL 333.10101 to 333.10109. A

1 county medical examiner or his or her designee shall not discuss  
2 the option of organ donation with any individual with the authority  
3 to make a gift under section 10102 of the public health code, 1978  
4 PA 368, MCL 333.10102.

5 (2) If an investigation of the cause and manner of death,  
6 regardless of whether the death occurred in a hospital or not, is  
7 required under this act and the county medical examiner or his or  
8 her designee has notice that the individual is a donor or that a  
9 gift of all or a physical part of that individual's body has been  
10 made in accordance with part 101 of the public health code, 1978 PA  
11 368, MCL 333.10101 to 333.10109, the county medical examiner or his  
12 or her designee shall conduct the examination of the dead body  
13 within a time period that permits organs, tissues, and eyes to  
14 remain viable for transplant. If the county medical examiner or his  
15 or her designee is unable to conduct the investigation within that  
16 period of time, a health care professional who is authorized to  
17 remove an anatomical gift from a donor may remove the donated  
18 tissues or organs, or both, in order to preserve the viability of  
19 the donated tissues or organs for transplant upon notifying the  
20 county medical examiner or his or her designee. If the county  
21 medical examiner or his or her designee determines that an organ  
22 may be related to the cause of death, the county medical examiner  
23 or his or her designee may do 1 or more of the following:

24 (a) Request to be present during the removal of the donated  
25 organs.

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

27 **(3) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS "KYLE RAY**

1 HORNING'S LAW".