

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

***** 333.10102.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 13, 2024 *****

333.10102.amended Definitions.

Sec. 10102. As used in this part:

- (a) "Adult" means an individual who is at least 18 years of age.
- (b) "Agent" means an individual who meets 1 or more of the following requirements:
 - (i) Is authorized to make health care decisions on the principal's behalf by a power of attorney for health care.
 - (ii) Is expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal.
- (c) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.
- (d) "Body part" means an organ, eye, or tissue of a human being. The term does not include the whole body.
- (e) "Decedent" means a deceased individual whose body or body part is or may be the source of an anatomical gift. The term includes a stillborn infant and, subject to this subdivision and restrictions imposed by law other than this part, a fetus. The term does not include a blastocyst, embryo, or fetus that is the subject of an abortion. As used in this subdivision, "abortion" means that term as defined in section 2803.
- (f) "Disinterested witness" means a witness who is not a spouse, child, parent, sibling, grandchild, grandparent, or guardian of or other adult who exhibited special care and concern for the individual who makes, amends, revokes, or refuses to make an anatomical gift. The term does not include a person to which an anatomical gift could pass under section 10111.
- (g) "Document of gift" means a donor card or other record used to make an anatomical gift. The term includes a statement or symbol on a driver license, identification card, or donor registry.
- (h) "Donor" means an individual whose body or body part is the subject of an anatomical gift.
- (i) "Donor registry" means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts as provided for in section 10120.
- (j) "Driver license" means an operator's or chauffeur's license or permit issued to an individual by the secretary of state under chapter III of the Michigan vehicle code, 1949 PA 300, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- (k) "Eye" means a human eye or any portion of a human eye.
- (l) "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.
- (m) "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem.
- (n) "Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.
- (o) "Identification card" means an official state personal identification card issued by the secretary of state under 1972 PA 222, MCL 28.291 to 28.300.
- (p) "Know" means to have actual knowledge.
- (q) "Minor" means an individual who is under 18 years of age.
- (r) "Organ" means a human kidney, liver, heart, lung, pancreas, or intestine or multivisceral organs when transplanted at the same time as an intestine.
- (s) "Organ procurement organization" means a person certified or recertified by the Secretary of the United States Department of Health and Human Services as a qualified organ procurement organization under 42 USC 273(b).
- (t) "Parent" means a parent whose parental rights have not been terminated.
- (u) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality or any other legal or commercial entity.
- (v) "Physician" means an individual authorized to practice medicine or osteopathic medicine and surgery under the law of any state.
- (w) "Procurement organization" means an eye bank, organ procurement organization, or tissue bank.
- (x) "Prospective donor" means an individual who is dead or near death and has been determined by a

procurement organization to have a body part that could be medically suitable for transplantation, therapy, research, or education. The term does not include an individual who has made a refusal.

(y) "Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

(z) "Recipient" means an individual into whose body a decedent's body part has been or is intended to be transplanted.

(aa) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(bb) "Refusal" means a record created under section 10107 that expressly refuses to make an anatomical gift of an individual's body or body part.

(cc) "Sign" means that, with the present intent to authenticate or adopt a record, an individual does either of the following:

(i) Executes or adopts a tangible symbol.

(ii) Attaches to or logically associates with the record an electronic symbol, sound, or process.

(dd) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(ee) "Technician" means an individual determined to be qualified to remove or process body parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law. The term includes an enucleator.

(ff) "Tissue" means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.

(gg) "Tissue bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue.

(hh) "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2003, Act 62, Imd. Eff. July 22, 2003;—Am. 2008, Act 39, Eff. May 1, 2008;—Am. 2023, Act 209, Eff. Feb. 13, 2024.

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