



**House
Legislative
Analysis
Section**

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BONE MARROW TRANSPLANTS

House Bills 5268 and 5270
Sponsor: Rep. Michael J. Bennane
Committee: Public Health

Complete to 1-27-92

A SUMMARY OF HOUSE BILLS 5268 AND 5270 AS INTRODUCED 10-17-91

House Bill 5270 (MCL 333.10501 et al.) would establish a bone marrow transplant program and House Bill 5270 (MCL 257.310) would require the secretary of state to issue a pamphlet describing the program whenever issuing a driver's license. The bills are tie-barred to each other and to House Bill 5269, which would give certain employers a single business tax credit for bone marrow donor expenses.

More specifically, House Bill 5270, would:

- * require the Department of Public Health (DPH) to set up a registry for bone marrow donors and to conduct a bone marrow drive directed at state employees,
- * set up a state employee bone marrow drive fund, and
- * impose certain requirements on employers regarding employees' donation of bone marrow.

Bone marrow transplant program. The bill would add a new part (Part 105) to the Public Health Code requiring the Department of Public Health (within 90 days after the bill's effective date) to set up a registry for bone marrow donors and to develop an educational program regarding bone marrow transplants. The department would be required to develop and publish a pamphlet explaining the need for bone marrow donors, how to register to become a bone marrow donor, the medical procedures involved in bone marrow donation, and the tax credit available to certain employers incurring bone marrow donor expenses. In developing this educational program, the department would have to encourage minorities to become bone marrow donors, provide the secretary of state with the pamphlet to be issued with driver's licenses, and publicize the bone marrow registry and the need for donors through all appropriate media.

State employee bone marrow drive. Within a year of the bill's effective date, the Department of Public Health would have to conduct a bone marrow donor drive directed at state employees and make certain information about bone marrow transplants (including the proposed pamphlet and any materials from the National Bone Marrow Donor Program that the department approved) available to state employees.

State employee bone marrow drive fund. The bill would create a dedicated fund in the Department of Treasury, but administered by the DPH, to pay for the state employee bone marrow drive. The fund would be known as the state employee bone marrow drive fund, and would be capitalized by grants from the National [Bone] Marrow Donor Program. Donations to the fund would be federally tax exempt (under the National [Bone] Marrow

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Donor Program' nonprofit designation). Interest and earnings of the fund would have to go to the fund, and the fund would retain any money in it at the end of the fiscal year.

Employer obligations. Employers, whether public or private, would not be able to deny their employees paid leave of absence in order to donate bone marrow, nor could they "retaliate" against employees' asking for or using paid leave time to donate bone marrow. Unless an employer agreed to a longer period of time (or the employee to a shorter period of time), the leave of absence would be either 40 working hours or all of the employee's vested paid leave of absence, whichever was shorter. Employers could require a physician's verification of any employee's request for leave of absence to donate bone marrow, but a physician's determination that an employee was not qualified to be a bone marrow donor would not apply retroactively to a leave of absence to donate bone marrow taken before the physician's determination.