

SENATE BILL No. 592

November 3, 2015, Introduced by Senators HERTEL, SHIRKEY and HUNE and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 10205 (MCL 333.10205), as added by 1999 PA 62.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10205. (1) Except as otherwise provided in subsections
2 (2) and (3), an individual who surgically removes a human organ for
3 transplantation, implantation, infusion, injection, or any other
4 medical or scientific purpose shall perform the surgery only in 1
5 of the following facilities:

6 (a) A hospital licensed under article 17.

7 (b) A facility approved by the director of the department of
8 ~~consumer and industry services~~ **LICENSING AND REGULATORY AFFAIRS**
9 under subsection (4).

10 **(C) A FACILITY OPERATED BY A FEDERALLY DESIGNATED ORGAN**
11 **PROCUREMENT ORGANIZATION FOR THE STATE OF MICHIGAN OR ITS DESIGNEE.**

1 (2) An individual who surgically removes a human organ
2 consisting of tissue, a cornea, or a whole eye for transplantation,
3 implantation, infusion, injection, or any other medical or
4 scientific purpose shall perform the removal surgery only in 1 of
5 the following facilities or in a hospital or other facility
6 described in subsection ~~(1)(a) or (b)~~: **(1)**:

7 (a) A mortuary that is part of a funeral establishment owned
8 or operated by the holder of a license for the practice of mortuary
9 science issued under article 18 of the occupational code, 1980 PA
10 299, MCL 339.1801 to 339.1812.

11 (b) A morgue or a facility operated by a county medical
12 examiner appointed under 1953 PA 181, MCL 52.201 to 52.216.

13 (3) Subsections (1) and (2) do not apply to a licensed
14 allopathic physician or osteopathic physician who performs a biopsy
15 or the routine removal of human tissue from a patient in the
16 physician's private practice office or other health facility
17 licensed under article 17 for the diagnosis or treatment of that
18 patient and not for purposes of transplantation, implantation,
19 infusion, or injection.

20 (4) The director of the department of ~~consumer and industry~~
21 ~~services~~ **LICENSING AND REGULATORY AFFAIRS** may promulgate rules to
22 designate 1 or more approved facilities for purposes of subsection
23 (1) (b).

24 (5) An individual who violates subsection (1) or (2) is guilty
25 of a felony.

26 Enacting section 1. This amendatory act takes effect 90 days
27 after the date it is enacted into law.