

HOUSE BILL No. 6319

September 17, 2002, Introduced by Rep. DeWeese and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2855 (MCL 333.2855), as amended by 1982 PA 3.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2855. (1) ~~An~~ EXCEPT AS OTHERWISE PROVIDED IN THIS
2 SECTION, AN autopsy shall not be performed upon the body of a
3 deceased individual except by a physician who has been granted
4 written consent to perform the autopsy by whichever 1 of the fol-
5 lowing individuals assumes custody of the body for purposes of
6 burial: parent, surviving spouse, guardian, or next of kin of
7 the deceased individual or by an individual charged by law with
8 the responsibility for burial of the body. If 2 or more of those
9 individuals assume custody of the body, the consent of 1 is
10 sufficient.

1 (2) A PHYSICIAN WHO IS PROVIDING MEDICAL CERTIFICATION FOR A
2 DECEASED INDIVIDUAL UNDER SECTION 2843 OR A PHYSICIAN WHO WAS
3 INVOLVED IN TREATING A DECEASED INDIVIDUAL BEFORE THE INDIVIDUAL
4 DIED SHALL DO ALL OF THE FOLLOWING AS SOON AS POSSIBLE AFTER THE
5 DEATH:

6 (A) NOTIFY THE NEXT OF KIN OF THE DECEDENT'S DEATH.

7 (B) DISCUSS WITH THE NEXT OF KIN THE OPTION OF HAVING AN
8 AUTOPSY CONDUCTED ON THE DECEASED, INCLUDING, BUT NOT LIMITED TO,
9 THE MEDICAL HISTORY INFORMATION TO BE GAINED FROM AN AUTOPSY, THE
10 COST OF AN AUTOPSY, AND THE FACT THAT UNDER SOME CIRCUMSTANCES,
11 AN AUTOPSY IS REQUIRED BY LAW.

12 (C) IF THE NEXT OF KIN AGREES TO PAY FOR THE AUTOPSY,
13 ARRANGE FOR THE AUTOPSY TO BE PERFORMED.

14 (3) This section ~~shall~~ DOES not prevent the ordering of an
15 autopsy by a COUNTY medical examiner OR DEPUTY COUNTY MEDICAL
16 EXAMINER UNDER 1953 PA 181, MCL 52.201 TO 52.216, or a local
17 health officer UNDER THIS CODE.

18 (4) ~~(2)~~ This section ~~shall~~ DOES not apply to a depart-
19 ment of anatomy in a school of medicine in this state, or to an
20 autopsy, postmortem, or dissection performed pursuant to and
21 under the authority of any other law.

22 (5) ~~(3)~~ A local health officer may order an autopsy if
23 necessary to carry out the functions vested in a local health
24 department by this ~~code~~ ACT.

25 (6) ~~(4)~~ A SUBJECT TO SUBSECTION (7), A physician, includ-
26 ing a COUNTY medical examiner OR DEPUTY COUNTY MEDICAL EXAMINER,
27 performing an autopsy pursuant to subsection (1), ~~(2)~~ (3), ~~or~~

1 ~~(3)~~ (4), OR (5) may remove, retain, or use the pituitary gland
2 of the deceased individual if the removal, retention, or use of
3 the pituitary gland is for purposes of medical research, educa-
4 tion, or therapy, and the physician is unaware of any direction
5 made by the deceased individual before death or of an objection
6 made by the next of kin of the deceased individual that a part of
7 the deceased individual's body not be removed.

8 (7) ~~(5)~~ If consent for the performance of ~~the~~ AN autopsy
9 is required pursuant to subsection (1), the physician PERFORMING
10 THE AUTOPSY shall obtain consent from the same individual for the
11 removal, retention, or use of the pituitary gland of the deceased
12 individual ~~pursuant to~~ AS DESCRIBED IN subsection ~~(4)~~ (6).

13 (8) ~~(6)~~ Except for a reasonable charge related to the
14 actual costs incurred and incident to removing and handling the
15 pituitary gland, the removed pituitary gland shall be submitted,
16 without charge, to hospitals, medical education or research
17 institutions, or to individuals or organizations for the purpose
18 of treating another human being. The hospital, medical education
19 or research institution, or other individual or organization
20 receiving the gland shall agree to furnish the gland, or a hor-
21 mone produced from the gland, without charge.

22 Enacting section 1. This amendatory act does not take
23 effect unless House Bill No. 5987 of the 91st Legislature is
24 enacted into law.