

# HOUSE BILL No. 6708

November 19, 2008, Introduced by Reps. Emmons, Hansen, Hoogendyk, Calley, Shaffer, Green, Meekhof, Caswell, Casperson, Huizenga, Opsommer, Amos, Sheen, Gaffney, Palsrok and Nitz and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 10204 (MCL 333.10204), as amended by 1999 PA  
60.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 10204. (1) Except as otherwise provided in subsection  
2           (2), a person shall not knowingly acquire, receive, or otherwise  
3           transfer a human organ or part of a human organ for valuable  
4           consideration for any purpose, including, but not limited to,  
5           transplantation, implantation, infusion, injection, or other  
6           medical or scientific purpose. A person who violates this  
7           subsection is guilty of a felony.

8           (2) Subsection (1) does not prohibit 1 or more of the  
9           following practices:

1 (a) The removal and use of a human cornea pursuant to section  
2 10202, or the removal and use of a human pituitary gland pursuant  
3 to section 2855.

4 (b) An anatomical gift pursuant to part 101, or the  
5 acquisition or distribution of bodies or parts by the ~~director~~  
6 **DEPARTMENT** pursuant to sections ~~2651-2652~~ to 2663.

7 (c) Financial assistance payments provided under a plan of  
8 insurance or other health care coverage.

9 (3) ~~Only~~ **EXCEPT AS OTHERWISE PROVIDED IN PART 101, ONLY** an  
10 individual who is 1 of the following may surgically remove a human  
11 organ for transplantation, implantation, infusion, injection, or  
12 any other medical or scientific purpose:

13 (a) A physician licensed under article 15.

14 (b) An individual acting under the delegatory authority and  
15 supervision of a physician pursuant to section 16215(2), but not  
16 including an individual whose license has been suspended under  
17 article 15. This subdivision includes, but is not limited to, an  
18 individual described in section 16215(3).

19 (c) For the purposes of surgically removing a human organ that  
20 is an eye or a physical part of an eye only, an individual  
21 certified by a state medical school as described in section 10105.

22 (d) An individual residing in another state and authorized to  
23 practice allopathic medicine or osteopathic medicine and surgery in  
24 that state who is called into this state by a physician licensed  
25 under article 15 and is authorized by a hospital licensed under  
26 article 17 to surgically remove 1 or more of the following organs  
27 for transport back to the other state:

- 1 (i) A heart.  
2 (ii) A liver.  
3 (iii) A lung.  
4 (iv) A pancreas.  
5 (v) A kidney.  
6 (vi) All or part of an intestine.  
7 (vii) Any other human organ specified by rule promulgated by  
8 the department under subsection (6).

9 (4) An individual who violates subsection (3) is guilty of a  
10 felony.

11 (5) As used in this section:

12 (a) "Human organ" means the human kidney, liver, heart, lung,  
13 pancreas, intestine, bone marrow, cornea, eye, bone, skin,  
14 cartilage, dura mater, ligaments, tendons, fascia, pituitary gland,  
15 **OOCYTES**, and middle ear structures and any other human organ  
16 specified by rule promulgated by the department under subsection  
17 (6). Human organ does not include whole blood, blood plasma, blood  
18 products, blood derivatives, other self-replicating body fluids, or  
19 human hair.

20 (b) "Valuable consideration" does not include the reasonable  
21 payments associated with the removal, transportation, implantation,  
22 processing, preservation, quality control, and storage of a human  
23 organ or the medical expenses and expenses of travel, housing, and  
24 lost wages incurred by the donor of a human organ in connection  
25 with the donation of the human organ.

26 (6) The department may promulgate rules to specify human  
27 organs in addition to the human organs listed in subsection

1 (3) (d) (i) to (vi) or (5) (a) .