

HOUSE BILL NO. 5394

January 16, 2024, Introduced by Reps. Neeley, Grant, Young, Edwards, O'Neal and Dievendorf and referred to the Committee on Tax Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 10120 (MCL 333.10120), as amended by 2023 PA 101.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 10120. (1) The organ procurement organization may
2 establish or contract for the establishment of a donor registry.
3 (2) As provided for in section 2 of 1972 PA 222, MCL 28.292,
4 and section 310 of the Michigan vehicle code, 1949 PA 300, MCL

1 257.310, the secretary of state shall inquire of each applicant,
2 licensee, or identification card holder, in person or by mail,
3 whether the individual agrees to participate in a donor registry as
4 described in this part. The secretary of state shall maintain a
5 record of an individual who indicates a willingness to have his or
6 her name placed on the donor registry. The secretary of state shall
7 maintain the donor registry in a manner that provides electronic
8 access, including, but not limited to, the transfer of data, to the
9 organ procurement organization or its successor organization,
10 tissue banks, and eye banks. The secretary of state shall
11 administer the donor registry in a manner that complies with
12 subsections (4) and (5).

13 (3) As provided for in section 474 of the income tax act of
14 1967, 1967 PA 281, MCL 206.474, the department of treasury shall
15 transmit to the secretary of state the donor registry schedule
16 filed by each individual who indicates a willingness to have the
17 individual's name placed on the donor registry described under
18 subsection (2). The department of treasury shall transmit the
19 information described under this subsection in the manner and
20 frequency determined by the department of treasury and the
21 secretary of state. ~~The~~ **If a donor registry schedule includes a**
22 **driver license or state personal identification card number, the**
23 secretary of state shall maintain a record of each ~~that~~ donor
24 registry schedule received from the department of treasury and add
25 that individual to the donor registry described under subsection
26 (2). **If a donor registry schedule does not include a driver license**
27 **or state personal identification card number, the secretary of**
28 **state shall provide the data in that donor registry schedule**
29 **directly to the organ procurement organization or its successor**

1 **organization.**

2 (4) A donor registry under this section must meet all of the
3 following requirements:

4 (a) Be accessible to a procurement organization to allow it to
5 obtain the name, address, and date of birth of individuals on the
6 donor registry to determine, at or near death of the donor or a
7 prospective donor, whether the donor or prospective donor has made
8 an anatomical gift.

9 (b) Provide electronic access, including, but not limited to,
10 the transfer of data for purposes of subdivision (a) on a 7-day-a-
11 week, 24-hour-a-day basis at no cost to the procurement
12 organization.

13 (5) Personally identifiable information on a donor registry
14 about a donor or prospective donor must not be used or disclosed
15 without the express consent of the donor, prospective donor, or
16 person that made the anatomical gift for any purpose other than to
17 determine, at or near death of the donor or prospective donor,
18 whether the donor or prospective donor has made, amended, or
19 revoked an anatomical gift.

20 (6) This section does not prohibit any person from creating or
21 maintaining a donor registry that is not established by or under
22 contract with this state. A donor registry that is not established
23 by or under contract with this state shall do all of the following:

24 (a) Comply with subsections (4) and (5).

25 (b) Within 30 days of its establishment, notify the organ
26 procurement organization of its establishment.

27 (c) Within 30 days of its establishment, give the organ
28 procurement organization full access to its records of anatomical
29 gifts and amendments to or revocations of anatomical gifts.