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BILL ANALYSIS

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Senate Bill 205 (as passed by the Senate)
Sponsor: Senator Kevin Daley
Committee: Health Policy

Date Completed: 4-29-26

RATIONALE

Allowing physicians' private offices or urgent care centers to give information about organ and tissue donation and bone marrow donation to new patients could save lives. According to testimony from Gift of Life Michigan, there are 2,700 Michiganders waiting for an organ transplant and without a donation many will not survive.[1] The best way to achieve these donations is for everyone to become an organ donor. Testimony further indicates that the person who could make the biggest difference in someone's decision to become an organ donor is a patient's doctor. Accordingly, allowing a doctor to inquire about a patient's interest in donation information has been suggested.

CONTENT

The bill would amend the Public Health Code to allow a physician's private office or an urgent care center to ask each new patient whether the patient was interested in information regarding the organ and tissue donor registry or donating bone marrow.

Specifically, the bill would allow a physician's private practice office or an urgent care center to do the following:

-- Inquire of each new patient who was between 18 and 45 years old, either verbally or on a written or electronic form, whether the patient was interested in information on donating bone marrow and, on the patient's request, provide the patient with information on becoming a bone marrow donor; if information were provided, it would have to include contact information for bone marrow donation programs in the State.
-- Inquire of each new patient, either verbally or on a written or electronic form, whether the patient was interested in information on the organ and tissue donor registry and, on the patient's request, provide the patient with educational materials explaining the right to make an anatomical gift under Part 101 (Revised Uniform Anatomical Gift Law), information describing the organ and tissue donor registry, and information on how to have the patient's name placed in the organ and tissue donor registry; if information were provided, it would have to include contact information for the State's Federally designated organ procurement organization or its successor organization as described in Section 10120.

(Section 10120 allows an organ procurement organization to establish or contract for the establishment of a donor registry that meets certain requirements, including that it be accessible to a procurement organization and provide electronic access at no cost to the procurement organization.)

[1] Gift of Life Michigan is the State's designated organ procurement organization

"Anatomical gift" would mean that term as defined in Section 10102: a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education. "Organ and tissue donor registry" would mean the donor registry as that term is defined in Section 10102: a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts as provided for in Section 10120.

The materials and information described in the bill could be provided to the patient orally or in written or electronic form.

Proposed MCL 333.10401

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

The bill is a reintroduction of Senate Bill 287 from the 2023-2024 Legislative Session. Senate Bill 287 passed the Senate and was referred to the House Committee on Health Policy but received no further action.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

According to testimony before the Senate Committee on Health Policy, studies show that people who are reluctant to add their names to the donor registry trust their family doctor for information about being a donor. Donation partners, such as organ procurement organizations responsible for collecting organs and tissue from deceased donors, would have more success in recruiting donors by connecting with doctors and providing ongoing education through them to their patients. Testimony further indicates that similar bills have helped to grow the organ and tissue donor registries of other states. The bill would increase the likelihood that people become organ donors in Michigan.

Legislative Analyst: Lauren J. Lahie

FISCAL IMPACT

The bill would have no fiscal impact on the Department of Health and Human Services or local units of government.

Fiscal Analyst: Ellyn Ackerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.