

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.10109 Classes of persons making anatomical gift; priority; more than 1 member of class making anatomical gift; availability of person in prior class.

Sec. 10109.

(1) Subject to subsections (2) and (3) and unless barred by section 10107 or 10108, an anatomical gift of a decedent's body or body part for purpose of transplantation, therapy, research, or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed as follows:

- (a) An agent of the decedent at the time of death who could have made an anatomical gift under section 10104(b) immediately before the decedent's death.
- (b) The spouse of the decedent.
- (c) Adult children of the decedent.
- (d) Parents of the decedent.
- (e) Adult siblings of the decedent.
- (f) Adult grandchildren of the decedent.
- (g) Grandparents of the decedent.
- (h) An adult who exhibited special care and concern for the decedent.
- (i) The persons who were acting as the guardians of the person of the decedent at the time of death.
- (j) The persons assigned by the state of Michigan to authorize medical care for the decedent at the time of death, including public ward custodians, correctional or mental health facility personnel, or foster parents.
- (k) Any other person that has the authority to dispose of the decedent's body, including unidentified bodies, under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206.

(2) If there is more than 1 member of a class listed in subsection (1)(a), (c), (d), (e), (f), (g), or (i) entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to which the gift may pass under section 10111 knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.

(3) A person shall not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection (1) is reasonably available to make or to object to the making of an anatomical gift.

History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 2008, Act 39, Eff. May 1, 2008

Popular Name: Act 368

Popular Name: Uniform Anatomical Gift Act