

Act No. 301  
Public Acts of 2006  
Approved by the Governor  
July 18, 2006  
Filed with the Secretary of State  
July 20, 2006  
EFFECTIVE DATE: July 20, 2006

**STATE OF MICHIGAN  
93RD LEGISLATURE  
REGULAR SESSION OF 2006**

Introduced by Rep. Caswell

# **ENROLLED HOUSE BILL No. 5836**

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 2652, 2653, 2655, 2658, 2663, 2851, 2855, and 10108 (MCL 333.2652, 333.2653, 333.2655, 333.2658, 333.2663, 333.2851, 333.2855, and 333.10108), section 2851 as added by 1996 PA 284, section 2855 as amended by 1982 PA 3, and section 10108 as amended by 1986 PA 186; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

Sec. 2652. (1) The department shall receive dead human bodies, or parts of dead human bodies, designated for scientific uses and allocate the bodies or parts to hospitals and educational institutions requiring them for use in medical instruction or for the purpose of instruction, study, and use in the promotion of education in the health sciences in this state. The department shall keep permanent records of the receipt and disposition of dead bodies and parts.

(2) The department may designate Michigan state university, Wayne state university, or the university of Michigan to perform the duties and responsibilities of this section and sections 2653 to 2663.

(3) A university designated under subsection (2) may exercise all of the powers of the department contained in this section and sections 2653 to 2663 as delegated by the department.

Sec. 2653. (1) As used in sections 2652 to 2663, “unclaimed body” means a dead human body for which the deceased has not provided a disposition, for which an estate or assets to defray costs of burial do not exist, and that is not claimed for burial by a person, relative, or court appointed fiduciary who has the right to control disposition of the body.

(2) An official of a public institution or a state or local officer in charge or control of an unclaimed body which would have to be buried at public expense shall use due diligence to notify the persons with authority to control the interment or disposition of the unclaimed body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206. If there is no person under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, to direct the disposition of the unclaimed body in a manner other than provided by this section and sections 2655 to 2659, the unclaimed body shall become available to the department. Upon written request by the department for notification concerning unclaimed bodies coming under his or her jurisdiction, the officer, for the definite period specified in the request of the department, shall notify the department by telephone, facsimile, or electronic mail immediately following 72 hours after death, excluding Sundays and holidays, stating, when possible, the name, age, sex, religion, and cause of death of the deceased, and shall release the body according to the regulations or instructions of the department.

(3) If the deceased was a member of a religious faith maintaining a benevolent association that will provide for the burial of the deceased in accordance with the tenets of the religion, the department shall notify the benevolent association of the death of the deceased by telephone, facsimile, or electronic mail, and shall surrender the body to the benevolent association upon request.

Sec. 2655. An unclaimed body retained by the department for scientific or educational purposes shall be embalmed and disposed of in accordance with standards adopted under section 2678. The unclaimed body shall be held for 30 days by the person to whom it has been assigned for scientific or educational purposes. The body is subject during this period to identification and claim by an authenticated person with authority over the body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, for the purpose of interment or other disposition in accordance with the directions of that person.

Sec. 2658. A person, unless specifically authorized by law, shall not hold a postmortem examination of an unclaimed body without the express permission of the director of the department. When, through the failure of a person to notify the department or promptly to release an unclaimed body as required by the department, the body becomes unfit for scientific or educational purposes, the department shall so certify, and the unclaimed body shall be interred at the expense of those responsible for the noncompliance.

Sec. 2663. A person who unlawfully disposes, uses, or sells an unclaimed body or who violates sections 2652 to 2661 is guilty of a misdemeanor.

Sec. 2851. (1) Subject to any other provision of this part, a person who has authority to make arrangements for a dead human body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, also has authority to request a permit for the disinterment of a dead human body under section 2853 notwithstanding the lack of consent of, or 1 or more objections of, a person who owns or possesses ownership rights over the place of repose. A person who owns or possesses ownership rights over the place of repose shall not bear any cost associated with the disinterment unless that person initiates the disinterment or is otherwise legally obligated for the costs of the disinterment.

(2) This section does not void or otherwise affect a gift made pursuant to part 101.

Sec. 2855. (1) An autopsy shall not be performed upon the body of a deceased individual except by a physician who has been granted written consent to perform the autopsy by the person with authority over the burial or disposition of the body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206. This section does not prevent the ordering of an autopsy by a medical examiner or a local health officer.

(2) This section does not apply to a department of anatomy in a school of medicine in this state or to an autopsy, postmortem, or dissection performed pursuant to and under the authority of any other law.

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

(4) A physician, including a medical examiner, performing an autopsy pursuant to subsection (1), (2), or (3) may remove, retain, or use the pituitary gland of the deceased individual if the removal, retention, or use of the pituitary gland is for purposes of medical research, education, or therapy, and the physician is unaware of any direction made by the deceased individual before death or of an objection made by the next of kin of the deceased individual that a part of the deceased individual’s body not be removed.

(5) If consent for the performance of the autopsy is required pursuant to subsection (1), the physician shall obtain consent from the same individual for the removal, retention, or use of the pituitary gland of the deceased individual pursuant to subsection (4).

(6) Except for a reasonable charge related to the actual costs incurred and incident to removing and handling the pituitary gland, the removed pituitary gland shall be submitted, without charge, to hospitals, medical education or research institutions, or to individuals or organizations for the purpose of treating another human being. The hospital, medical education or research institution, or other individual or organization receiving the gland shall agree to furnish the gland, or a hormone produced from the gland, without charge.

Sec. 10108. (1) The donee may accept or reject the gift. If the donee accepts a gift of the entire body, the person with authority to direct and arrange for the funeral and burial or other disposition of the body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, subject to the terms of the gift, may authorize embalming and the use of the body in funeral services. If the gift is a physical part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the physical part to be removed without unnecessary mutilation. After removal of the physical part, custody of the remainder of the body vests in the person with authority to direct and arrange for the funeral and burial or other disposition of the remainder of the body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206. The holder of a license for the practice of mortuary science under article 18 of the occupational code, 1980 PA 299, MCL 339.1801 to 339.1812, who acts pursuant to the directions of persons alleging to have authority to direct and arrange for the funeral and burial or other disposition of the remainder of the body, is relieved of any liability for the funeral and for the burial or other disposition of the remainder of the body. A holder of a license for the practice of mortuary science under that act may rely on the instructions and directions of any person alleging to be either a donee or a person authorized under this part to donate a body or any physical part thereof. A holder of a license for the practice of mortuary science under that act is not liable for removal of any physical part of a body donated under this part.

(2) The time of death shall be determined by a physician who attends the donor at the death, or, if none, the physician who certifies the death. The attending or certifying physician shall not participate in the procedures for removing or transplanting a physical part.

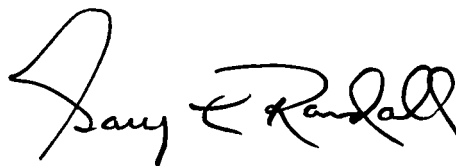
(3) A person, including a hospital, who acts in good faith in accord with the terms of this part or with the anatomical gift laws of another state or a foreign country is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for the act.

(4) This part is subject to the laws of this state prescribing powers and duties with respect to autopsies.

Enacting section 1. Sections 2651 and 2661 of the public health code, 1978 PA 368, MCL 333.2651 and 333.2661, are repealed.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4870 of the 93rd Legislature is enacted into law.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor