

# HOUSE BILL No. 4737

May 1, 1989, Introduced by Reps. Bennane, DeMars, Rocca, Leland, Pridnia, Gnodtke, Krause, Dunaskiss, Bandstra, O'Connor, Muxlow, Law, Hertel, Gubow, Palamara, Profit and Stallworth and referred to the Committee on Public Health.

A bill to amend Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws, by adding sections 17035, 17535, and 20195.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as  
2 amended, being sections 333.1101 to 333.25211 of the Michigan  
3 Compiled Laws, is amended by adding sections 17035, 17535, and  
4 20195 to read as follows:

5 SEC. 17035. (1) UPON WRITTEN REQUEST BY A COUNTY MEDICAL  
6 EXAMINER CONDUCTING AN INVESTIGATION UNDER SECTION 2 OF ACT  
7 NO. 181 OF THE PUBLIC ACTS OF 1953, BEING SECTION 52.202 OF THE  
8 MICHIGAN COMPILED LAWS, A PHYSICIAN SHALL MAKE AVAILABLE TO THE  
9 COUNTY MEDICAL EXAMINER ALL MEDICAL RECORDS AND EXISTING ACTUAL

1 BLOOD, URINE, OR TISSUE SAMPLES OR OTHER BIOLOGICAL MATERIALS  
2 RELATING TO THE INCIDENT LEADING TO THE DEATH OF A PERSON WHO WAS  
3 A PATIENT OF THE PHYSICIAN AND HAS DIED IN A MANNER DESCRIBED IN  
4 SECTION 2 OF ACT NO. 181 OF THE PUBLIC ACTS OF 1953.

5 (2) A PHYSICIAN WHO IN GOOD FAITH COMPLIES WITH THIS SECTION  
6 SHALL NOT BE LIABLE FOR DAMAGES IN A CIVIL ACTION OR SUBJECT TO  
7 PROSECUTION IN A CRIMINAL PROCEEDING AS A RESULT OF THE  
8 COMPLIANCE. IN ADDITION, COMPLIANCE WITH THIS SECTION IS NOT A  
9 VIOLATION OF THE PHYSICIAN-PATIENT PRIVILEGE ESTABLISHED UNDER  
10 SECTION 2157 OF THE REVISED JUDICATURE ACT OF 1961, ACT NO. 236  
11 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600.2157 OF THE  
12 MICHIGAN COMPILED LAWS.

13 SEC. 17535. (1) UPON WRITTEN REQUEST BY A COUNTY MEDICAL  
14 EXAMINER CONDUCTING AN INVESTIGATION UNDER SECTION 2 OF ACT  
15 NO. 181 OF THE PUBLIC ACTS OF 1953, BEING SECTION 52.202 OF THE  
16 MICHIGAN COMPILED LAWS, A PHYSICIAN SHALL MAKE AVAILABLE TO THE  
17 COUNTY MEDICAL EXAMINER ALL MEDICAL RECORDS AND EXISTING ACTUAL  
18 BLOOD, URINE, OR TISSUE SAMPLES OR OTHER BIOLOGICAL MATERIALS  
19 RELATING TO THE INCIDENT LEADING TO THE DEATH OF A PERSON WHO WAS  
20 A PATIENT OF THE PHYSICIAN AND HAS DIED IN A MANNER DESCRIBED IN  
21 SECTION 2 OF ACT NO. 181 OF THE PUBLIC ACTS OF 1953.

22 (2) A PHYSICIAN WHO IN GOOD FAITH COMPLIES WITH THIS SECTION  
23 SHALL NOT BE LIABLE FOR DAMAGES IN A CIVIL ACTION OR SUBJECT TO  
24 PROSECUTION IN A CRIMINAL PROCEEDING AS A RESULT OF THE  
25 COMPLIANCE. IN ADDITION, COMPLIANCE WITH THIS SECTION IS NOT A  
26 VIOLATION OF THE PHYSICIAN-PATIENT PRIVILEGE ESTABLISHED UNDER  
27 SECTION 2157 OF THE REVISED JUDICATURE ACT OF 1961, ACT NO. 236

1 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600.2157 OF THE  
2 MICHIGAN COMPILED LAWS.

3 SEC. 20195. (1) UPON WRITTEN REQUEST BY A COUNTY MEDICAL  
4 EXAMINER CONDUCTING AN INVESTIGATION UNDER SECTION 2 OF ACT  
5 NO. 181 OF THE PUBLIC ACTS OF 1953, BEING SECTION 52.202 OF THE  
6 MICHIGAN COMPILED LAWS, A HEALTH FACILITY OR AGENCY SHALL MAKE  
7 AVAILABLE TO THE COUNTY MEDICAL EXAMINER ALL MEDICAL RECORDS AND  
8 EXISTING ACTUAL BLOOD, URINE, OR TISSUE SAMPLES OR OTHER BIOLOGI-  
9 CAL MATERIALS RELATING TO THE INCIDENT LEADING TO THE DEATH OF A  
10 PERSON WHO WAS A PATIENT AT THE HEALTH FACILITY OR AGENCY AND HAS  
11 DIED IN A MANNER DESCRIBED IN SECTION 2 OF ACT NO. 181 OF THE  
12 PUBLIC ACTS OF 1953.

13 (2) A HEALTH FACILITY OR AGENCY THAT IN GOOD FAITH COMPLIES  
14 WITH THIS SECTION SHALL NOT BE LIABLE FOR DAMAGES IN A CIVIL  
15 ACTION OR SUBJECT TO PROSECUTION IN A CRIMINAL PROCEEDING AS A  
16 RESULT OF THE COMPLIANCE. IN ADDITION, COMPLIANCE WITH THIS SEC-  
17 TION IS NOT A VIOLATION OF THE PHYSICIAN-PATIENT PRIVILEGE ESTAB-  
18 LISHED UNDER SECTION 2157 OF THE REVISED JUDICATURE ACT OF 1961,  
19 ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600.2157 OF  
20 THE MICHIGAN COMPILED LAWS.