



Senate Fiscal Agency  
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## BILL ANALYSIS



Telephone: (517) 373-5383  
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Senate Bill 784 (Substitute S-2 as reported)  
Senate Bill 786 (Substitute S-1 as reported)  
Senate Bill 827 (Substitute S-1 as reported)  
Sponsor: Senator Rebekah Warren (S.B. 784 and 786)  
Senator Rick Jones (S.B. 827)  
Committee: Judiciary

**CONTENT**

Senate Bill 784 (S-2) would amend the Michigan Do-Not-Resuscitate Procedure Act to do the following:

- Allow a parent to execute a do-not-resuscitate (DNR) order on behalf of his or her minor child (an individual under 18 years old who has been diagnosed by an attending physician as having an advanced illness, and who is not emancipated).
- Require a DNR order executed by a parent to be on a form prescribed by the bill, dated, and signed by the parent or parents, the child's attending physicians, and two witnesses 18 years of age or older.
- Require a parent who executed an order to maintain possession of it and have it accessible at the child's place of residence or other setting outside of a hospital, or, if applicable, provide a copy to the administrator of the child's school or the facility where the child was a patient or resident.
- Specify the requirements for revoking a DNR executed on behalf of a minor child.
- Allow the guardian of a minor ward to execute a DNR order on behalf of the ward.
- Require a guardian who executed a DNR order on behalf of a minor ward to give a copy of it to the administrator of his or her school or the administrator of the facility where the ward was a patient or resident.
- Extend to a ward who was a minor child a provision that allows a person who is interested in the welfare of a declarant to petition the probate court to have the order reviewed.
- Prohibit an individual from attempting to resuscitate a child for whom a DNR order had been executed at a school before a health professional arrived.

Senate Bill 786 (S-1) would amend a section of the Estates and Protected Individuals Code that specifies the powers and duties of a guardian of a minor, to allow a guardian to execute a DNR order on behalf of a ward as provided in the Michigan Do-Not-Resuscitate Procedure Act.

Senate Bill 827 (S-1) would amend the Revised School Code to do the following:

- Require the administrator of a public or nonpublic school who received a copy of a DNR order executed on behalf of a minor pupil to ensure that the order was made a part of the child's individualized education program (IEP), or was placed in a file specifically for DNR orders, as applicable.
- Require an administrator who received a DNR order for a pupil during the previous school year to inquire of the pupil's parent or guardian at the beginning of the school year whether the order was still in effect.

- Require the administrator of a public or nonpublic school who received a copy of a physician orders for scope of treatment (POST) form to ensure that the form was made a part of the child's IEP, or was placed in a file specifically for a POST form, as applicable.
- Require a school administrator who received actual notice of a DNR order or POST form revocation to make the revocation part of the pupil's individualized education program, or place it in the DNR order- or POST form-specific file, as applicable.
- Specify that a school administrator, teacher, or other school employee who in good faith administered a comfort care measure to, or refused to perform resuscitation on, a pupil, in compliance with a DNR order would not be liable in a criminal action or for civil damages.
- Specify that a school administrator, teacher, or other school employee who in good faith provided medical treatment to a pupil that was consistent with his or her POST form would not be liable in a criminal action or for civil damages.
- Specify entities and individuals who would not be liable for damages in a civil action for injury, death, or loss to an individual or property allegedly arising from an individual acting under the bill.

MCL 333.1052 et al. (S.B. 784)  
MCL 700.5215 (S.B. 786)  
Proposed MCL 380.1180 & 380.1181 (S.B. 827)

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

Senate Bills 784 (S-2) and 786 (S-1) would have no fiscal impact on State or local government.

Senate Bill 827 (S-1) would have no fiscal impact on the State, and minimal or no impact on local units of government. Schools that received do-not-resuscitate orders or POST forms would have to create files and update annually for pupils without an individualized education program. For pupils with an IEP, schools would need only to update the information in the pupils' files and update them annually. Due to uncertainty in the number, location, and IEP status of pupils who would have a do-not-resuscitate order or POST form, an exact cost is difficult to estimate, but would likely be negligible.

Date Completed: 2-22-18

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