

HOUSE BILL No. 5578

January 29, 2002, Introduced by Reps. Cameron Brown, Patterson, Kuipers, Hummel, Vear, Julian, Van Woerkom, Drolet, Gilbert, Vander Roest, Vander Veen, Birkholz, DeVuyst, Spade, Sheltroun, Mans, Middaugh, Neumann, Meyer, Jelinek, Callahan, DeWeese, Tabor, Ehardt, Rocca, Kooiman and Jansen and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2685 and 2688 (MCL 333.2685 and 333.2688).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2685. (1) A person shall not use a live human embryo,
2 fetus, or neonate, REGARDLESS OF ITS LOCATION, for nontherapeutic
3 research if, in the best judgment of the person conducting the
4 research, based upon the available knowledge or information at
5 the approximate time of the research, the research substantially
6 jeopardizes the life or health of the embryo, fetus, or neonate.
7 Nontherapeutic research shall not in any case be performed on an
8 embryo or fetus known by the person conducting the research to be
9 the subject of a planned abortion being performed for any purpose
10 other than to protect the life of the mother.

1 (2) For purposes of subsection (1) the embryo or fetus
2 ~~shall be~~ IS conclusively presumed not to be the subject of a
3 planned abortion if the mother signed a written statement at the
4 time of the research, that she was not planning an abortion.

5 (3) AS USED IN THIS SECTION, "ABORTION" MEANS THAT TERM AS
6 DEFINED IN SECTION 17015.

7 Sec. 2688. (1) A HEALTH PROFESSIONAL OR OTHER INDIVIDUAL
8 SHALL NOT KNOWINGLY PERFORM RESEARCH UPON A DEAD EMBRYO OR FETUS
9 IF THE DEATH OF THE EMBRYO OR FETUS WAS THE RESULT OF AN
10 ABORTION.

11 (2) ~~(1) Research may~~ A HEALTH PROFESSIONAL OR OTHER INDI-
12 VIDUAL SHALL not knowingly ~~be performed~~ PERFORM RESEARCH upon a
13 dead embryo, fetus, or neonate, THE DEATH OF WHICH WAS THE RESULT
14 OF A SPONTANEOUS ABORTION, unless the consent of the mother has
15 first been obtained. Consent ~~shall~~ IS not ~~be~~ required in the
16 case of a routine pathological study.

17 (3) ~~(2)~~ For purposes of this section, consent ~~shall be~~
18 IS conclusively presumed to have been granted by a written state-
19 ment, signed by the mother that she consents to the use of her
20 dead embryo, fetus, or neonate for research.

21 (4) ~~(3)~~ Written consent ~~shall constitute~~ CONSTITUTES
22 lawful authorization for the transfer of the dead embryo, fetus,
23 or neonate to A medical research ~~facilities~~ FACILITY.

24 (5) ~~(4)~~ Research being performed upon a dead embryo,
25 fetus, or neonate shall be conducted in accordance with the same
26 standards applicable to research conducted pursuant to part 101.