

SUBSTITUTE FOR
HOUSE BILL NO. 5716

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 219g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 219g. (1) A person who knowingly, intentionally, or
2 willfully engages in a practice or act the person knows or
3 reasonably believes provides false or misleading information
4 related to an assisted reproduction procedure, including by making
5 a false or misleading representation relating to any of the
6 following, is guilty of a felony punishable by imprisonment for not
7 more than 5 years or a fine of not more than \$50,000.00, or both:

8 (a) The human embryo or gamete used or provided for assisted
9 reproduction.

1 (b) The identity of a donor of the human embryo or gamete used
2 or provided for assisted reproduction including, but not limited
3 to, the donor's name, birthdate, or address at the time of
4 donation.

5 (c) A donor's medical history, including present illness of
6 the donor at time of donation, any past illnesses of the donor, any
7 history of diagnosed mental illness, the social history of the
8 donor, any known genetic defects of the donor, the family medical
9 history of the donor, or the donor's level of education.

10 (2) A health professional who knowingly or recklessly uses or
11 provides a human embryo or gamete, including his or her own human
12 embryo or gamete, for assisted reproduction other than the specific
13 human embryo or gamete to which the patient expressly consented in
14 writing is guilty of a felony punishable by imprisonment for not
15 more than 15 years or a fine of not more than \$100,000.00, or both.

16 (3) The use of an anonymous donor, if requested by a patient,
17 is not a defense to a violation of this section committed by a
18 health professional.

19 (4) As used in this section:

20 (a) "Anonymous donor" means a donor about which all of the
21 following facts are known but whose identity is not provided to the
22 patient:

23 (i) Present illness of the donor at time of donation.

24 (ii) Any past illnesses of the donor.

25 (iii) Any history of diagnosed mental illness.

26 (iv) The social history of the donor.

27 (v) Any known genetic defects of the donor.

28 (vi) The family medical history of the donor.

29 (vii) The donor's level of education.

1 (b) "Assisted reproduction" means a method of causing
2 pregnancy other than sexual intercourse.

3 (c) "Donor" means an individual who provides gametes intended
4 for use in assisted reproduction, regardless of whether or not the
5 individual receives financial compensation for the donation.

6 (d) "Family medical history of the donor" means the complete
7 medical history of the first-degree, second-degree, and third-
8 degree relatives of the donor.

9 (e) "Gamete" means sperm, egg, or any part of a sperm or egg.

10 (f) "Health professional" means an individual licensed,
11 registered, certified, or otherwise authorized to engage in a
12 health profession under article 15 of the public health code, 1978
13 PA 368, MCL 333.16101 to 333.18838.

14 (g) "Human embryo" means a human organism at any stage of
15 development from fertilized ovum to embryo.

16 (h) "Identity" means legal name.

17 (i) "Know" or "knowingly" means that a health professional or
18 other person undertook an action with knowledge and not because of
19 mistake, accident, or other innocent reason.

20 (j) "Patient" means an individual under the care of a health
21 professional.

22 (k) "Social history of the donor" means the personal and
23 sexual history of the donor pertaining to risk factors for relevant
24 communicable disease transmissible via gamete donation.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.