

# HOUSE BILL NO. 5714

February 02, 2022, Introduced by Reps. Kahle, Allor, Roth, Breen, Outman, Sneller, Yaroch, Brixie, Brenda Carter, Liberati, Cynthia Johnson, Steckloff, Hope, Weiss, Neeley, Rogers, Brabec, Clemente, Bezotte and Whitsett and referred to the Committee on Health Policy.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
(MCL 600.101 to 600.9947) by adding section 2980.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           **Sec. 2980. (1) A person that engages in false representation**  
2 **in assisted reproduction is liable to an individual described in**  
3 **subsection (2) for 1 or more of the following:**  
4           **(a) Economic and noneconomic damages.**  
5           **(b) Punitive damages.**

1 (c) Reasonable attorney fees and costs.

2 (2) Any individual who is injured by a false representation in  
3 assisted reproduction may bring an action under this section,  
4 including but not limited to any of the following:

5 (a) The patient who gives birth to a child conceived through  
6 assisted reproduction as a result of the false representation in  
7 assisted reproduction.

8 (b) The patient's spouse at the time the patient used the  
9 assisted reproduction services.

10 (c) An individual conceived through assisted reproduction as a  
11 result of the false representation in assisted reproduction.

12 (d) A donor whose gamete or human embryo resulted in the birth  
13 of a child as a result of false representation in assisted  
14 reproduction.

15 (3) A person who brings an action under this section has a  
16 separate cause of action for each child born as a result of the  
17 false representation in assisted reproduction.

18 (4) An action under this section must be brought not later  
19 than 3 years after the person bringing the action discovers the  
20 false representation in assisted reproduction.

21 (5) An action under this section is in addition to any other  
22 criminal or civil penalties or remedies provided by law.

23 (6) As used in this section:

24 (a) "False representation in assisted reproduction" means  
25 conduct or a practice of conduct described in section 219g(1) of  
26 the Michigan penal code, 1931 PA 328, MCL 750.219g.

27 (b) "Gamete", "human embryo", and "patient" mean those terms  
28 as defined in section 219g of the Michigan penal code, 1931 PA 328,  
29 MCL 750.219g.

1           (c) "Person" means an individual or a partnership,  
2 corporation, limited liability company, association, or other legal  
3 entity.

4           Enacting section 1. This amendatory act does not take effect  
5 unless Senate Bill No. \_\_\_\_ or House Bill No. 5716 (request no.  
6 03803'21) of the 101st Legislature is enacted into law.