

SENATE BILL No. 829

September 17, 2009, Introduced by Senators KUIPERS, BROWN, PATTERSON, GILBERT, McMANUS, KAHN, STAMAS, BIRKHOLZ, VAN WOERKOM and GARCIA 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 for nontherapeutic research if, in the best
3 judgment of the person conducting the research, based upon the
4 available knowledge or information at the approximate time of the
5 research, the research substantially jeopardizes the life or health
6 of the embryo, fetus, or neonate. Nontherapeutic research shall not
7 in any case be performed on an embryo or fetus known by the person
8 conducting the research to be the subject of a planned abortion
9 being performed for any purpose other than to protect the life of
10 the mother.

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

5 (3) **AS USED IN THIS SECTION, "ABORTION" MEANS THE INTENTIONAL**
6 **USE OF AN INSTRUMENT, DRUG, OR OTHER SUBSTANCE OR DEVICE TO**
7 **TERMINATE A WOMAN'S PREGNANCY FOR A PURPOSE OTHER THAN TO INCREASE**
8 **THE PROBABILITY OF A LIVE BIRTH, TO PRESERVE THE LIFE OR HEALTH OF**
9 **THE CHILD AFTER LIVE BIRTH, OR TO REMOVE A DEAD FETUS. ABORTION**
10 **DOES NOT INCLUDE A PROCEDURE TO COMPLETE A SPONTANEOUS ABORTION OR**
11 **THE USE OR PRESCRIPTION OF A DRUG OR DEVICE INTENDED AS A**
12 **CONTRACEPTIVE.**

13 Sec. 2688. (1) **A HEALTH PROFESSIONAL OR OTHER INDIVIDUAL SHALL**
14 **NOT KNOWINGLY PERFORM RESEARCH UTILIZING ORGANS, TISSUES, OR CELLS**
15 **TAKEN FROM A DEAD EMBRYO OR FETUS IF THE DEATH OF THE EMBRYO OR**
16 **FETUS WAS THE RESULT OF AN ELECTIVE ABORTION.**

17 (2) ~~(1) Research may~~**A HEALTH PROFESSIONAL OR OTHER INDIVIDUAL**
18 **SHALL** not knowingly ~~be performed upon~~**PERFORM RESEARCH UTILIZING**
19 **ORGANS, TISSUES, OR CELLS TAKEN FROM** a dead embryo, fetus, or
20 neonate, **THE DEATH OF WHICH WAS THE RESULT OF A SPONTANEOUS OR**
21 **NONELECTIVE ABORTION**, unless the consent of the mother has first
22 been obtained. Consent ~~shall~~**IS** not ~~be~~**required** in the case of a
23 routine pathological study.

24 (3) ~~(2)~~**For purposes of this section, consent shall be****IS**
25 conclusively presumed to have been granted by a written statement,
26 signed by the mother that she consents to the use of her dead
27 embryo, fetus, or neonate for research.

1 (4) ~~(3)~~ Written consent ~~shall constitute~~ **CONSTITUTES** lawful
2 authorization for the transfer of the dead embryo, fetus, or
3 neonate to **A** medical research ~~facilities~~ **FACILITY**.

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

7 (6) **AS USED IN THIS SECTION, "ELECTIVE ABORTION" MEANS THE**
8 **INTENTIONAL USE OF AN INSTRUMENT, DRUG, OR OTHER SUBSTANCE OR**
9 **DEVICE TO TERMINATE A WOMAN'S PREGNANCY FOR A PURPOSE OTHER THAN TO**
10 **INCREASE THE PROBABILITY OF A LIVE BIRTH, TO PRESERVE THE LIFE OR**
11 **HEALTH OF THE CHILD AFTER LIVE BIRTH, OR TO REMOVE A DEAD FETUS.**
12 **ELECTIVE ABORTION DOES NOT INCLUDE ANY OF THE FOLLOWING:**

13 (A) A PROCEDURE TO COMPLETE A SPONTANEOUS ABORTION.

14 (B) THE PRESCRIPTION OF OR USE OF A DRUG OR DEVICE INTENDED AS
15 A CONTRACEPTIVE.

16 (C) THE INTENTIONAL USE OF AN INSTRUMENT, DRUG, OR OTHER
17 SUBSTANCE OR DEVICE BY A PHYSICIAN TO TERMINATE A WOMAN'S PREGNANCY
18 IF THE WOMAN'S PHYSICAL CONDITION, IN THE PHYSICIAN'S REASONABLE
19 MEDICAL JUDGMENT, NECESSITATES THE TERMINATION OF THE WOMAN'S
20 PREGNANCY TO AVERT HER DEATH.