

# SENATE BILL No. 51

January 20, 2011, Introduced by Senators MARLEAU, KOWALL, ROBERTSON, PAPPAGEORGE, BRANDENBURG, PROOS, PAVLOV, NOFS, HILDENBRAND, MEEKHOF and BOOHER 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

1 the mother.

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

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

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

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

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

1 embryo, fetus, or neonate for research.

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

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

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

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

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

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