

# HOUSE BILL NO. 5536

February 20, 2020, Introduced by Rep. Reilly and referred to the Committee on Health Policy.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending sections 135 and 157m (MCL 750.135 and 750.157m),  
section 135 as amended by 2002 PA 689 and section 157m as amended  
by 2019 PA 175.

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

- 1           Sec. 135. (1) Except as provided in subsection (3), a father
- 2           or mother of a child under the age of 6 years, or another
- 3           individual, who exposes the child in any street, field, house, or



1 other place, with intent to injure or wholly to abandon the child,  
2 is guilty of a felony, punishable by imprisonment for not more than  
3 10 years.

4 (2) Except for a situation involving actual or suspected child  
5 abuse or child neglect, it is an affirmative defense to a  
6 prosecution under subsection (1) that the child was not more than  
7 72 hours old and was surrendered to an emergency service provider  
8 under **the safe delivery of newborns law**, chapter XII of the probate  
9 code of 1939, 1939 PA 288, MCL 712.1 to 712.20. A criminal  
10 investigation ~~shall~~**must** not be initiated solely on the basis of a  
11 newborn being surrendered to an emergency service provider under  
12 **the safe delivery of newborns law**, chapter XII of the probate code  
13 of 1939, 1939 PA 288, MCL 712.1 to 712.20.

14 (3) Subsection (1) does not apply to a mother of a newborn who  
15 is surrendered under the born alive infant protection act, **2002 PA**  
16 **687, MCL 333.1071 to 333.1073**. Subsection (1) applies to an  
17 attending physician who delivers a live newborn as a result of an  
18 attempted abortion and fails to comply with the requirements of the  
19 born alive infant protection act, **2002 PA 687, MCL 333.1071 to**  
20 **333.1073**.

21 (4) As used in this section:

22 (a) "Emergency service provider" means a uniformed employee or  
23 contractor of a fire department, hospital, or police station when  
24 that individual is inside the premises and on duty.

25 (b) "Fire department" means an organized fire department as  
26 that term is defined in section 1 of the fire prevention code, 1941  
27 PA 207, MCL 29.1.

28 (c) "Hospital" means a hospital that is licensed under article  
29 17 of the public health code, 1978 PA 368, MCL 333.20101 to



1 ~~333.22260.333.21925.~~

2 (d) "Police station" means a police station as that term is  
3 defined in section 43 of the Michigan vehicle code, 1949 PA 300,  
4 MCL 257.43.

5 Sec. 157m. As used in this chapter:

6 (a) "Credit account" means the account through which a  
7 business organization or financial institution allows a person or  
8 organization to obtain goods, property, services, or any other  
9 thing of value on credit.

10 (b) "Credit card" means either of the following:

11 (i) Any instrument or device ~~which~~**that** is sold, issued, or  
12 otherwise distributed by a business organization or financial  
13 institution for the use of the person or organization identified on  
14 the instrument or device for obtaining goods, property, services,  
15 or anything of value on credit.

16 (ii) An instrument or device ~~which~~**that** is issued or otherwise  
17 distributed by an organization for the use of the person identified  
18 on the instrument or device for obtaining health care services or  
19 goods or reimbursement or payment for health care services or  
20 goods. As used in this subparagraph, "organization" means any of  
21 the following:

22 (A) A dental care corporation incorporated under 1963 PA 125,  
23 MCL 550.351 to 550.373.

24 (B) A health care corporation incorporated under the nonprofit  
25 health care corporation reform act, 1980 PA 350, MCL 550.1101 to  
26 550.1704.

27 (C) A health maintenance organization ~~licensed under article~~  
28 ~~17 of the public health code, 1978 PA 368, MCL 333.20101 to~~  
29 ~~333.22260.~~**as that term is defined in section 3501 of the insurance**



1 **code of 1956, 1956 PA 218, MCL 500.3501.**

2 (D) An insurer as **that term is** defined in section 106 of the  
3 insurance code of 1956, 1956 PA 218, MCL 500.106.

4 (E) A third party administrator operating under a certificate  
5 of authority issued by the commissioner pursuant to the third party  
6 administrator act, 1984 PA 218, MCL 550.901 to 550.960.

7 (c) "Cryptocurrency" means digital currency in which  
8 encryption techniques are used to regulate the generation of units  
9 of currency and verify the transfer of funds, and that operates  
10 independently of a central bank.

11 (d) "Deposit account" includes share, deposit, member, and  
12 savings accounts of financial institutions.

13 (e) "Deviceholder" means either of the following:

14 (i) The person or organization who requests a financial  
15 transaction device and to whom or for whose benefit a financial  
16 transaction device is subsequently issued.

17 (ii) The person or organization to whom a financial transaction  
18 device was issued and who used or accepted a financial transaction  
19 device, whether the issuance of the financial transaction device  
20 was requested or not.

21 (f) "Distributed ledger technology" means any distributed  
22 ledger protocol and supporting infrastructure, including  
23 blockchain, that uses a distributed, decentralized, shared, and  
24 replicated ledger, whether use of the ledger is public or private,  
25 permissioned or permissionless, and that may include the use of  
26 electronic currencies or electronic tokens as a medium of  
27 electronic exchange.

28 (g) "Financial institution" means a bank, savings and loan  
29 association, or credit union, and includes a corporation wholly



1 owned by a financial institution or by the holding company parent  
2 of a financial institution.

3 (h) "Financial transaction device" means any of the following:

4 (i) An electronic funds transfer card.

5 (ii) A credit card.

6 (iii) A debit card.

7 (iv) A point-of-sale card.

8 (v) Any instrument, device, card, plate, code, account number,  
9 personal identification number, or a record or copy of a code,  
10 account number, or personal identification number or other means of  
11 access to a credit account or deposit account including through the  
12 use of cryptocurrency or distributed ledger technology, or a driver  
13 license or state identification card used to access a proprietary  
14 account, other than access originated solely by a paper instrument,  
15 that can be used alone or in conjunction with another access  
16 device, for any of the following purposes:

17 (A) Obtaining money, cash refund or credit account, credit,  
18 goods, services, or any other thing of value.

19 (B) Certifying or guaranteeing to a person or business the  
20 availability to the deviceholder of funds on deposit to honor a  
21 draft or check payable to the order of that person or business.

22 (C) Providing the deviceholder access to a deposit account for  
23 the purpose of making deposits, withdrawing funds, transferring  
24 funds between deposit accounts, obtaining information pertaining to  
25 a deposit account, or making an electronic ~~funds~~**-fund** transfer as  
26 **that term is** defined in section 3(4) of 1978 PA 322, MCL 488.3.

27 (i) "Proprietary account" means the account which is  
28 maintained by a business organization in the name of an individual  
29 person or organization and through which the business organization



1 allows the person or organization to obtain goods, property,  
2 services, or any other thing of value on credit.

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

5 Enacting section 2. This amendatory act does not take effect  
6 unless Senate Bill No. \_\_\_\_ or House Bill No. 5510 (request no.  
7 04667'19) of the 100th Legislature is enacted into law.

