



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 1561 (Substitute S-1 as reported)  
Senate Bill 1562 (Substitute S-1 as reported)  
Senate Bill 1563 (Substitute S-1 as reported)  
Sponsor: Senator Alan L. Cropsey (S.B. 1561)  
          Senator Tupac A. Hunter (S.B. 1562)  
          Senator Roger Kahn, M.D. (S.B. 1563)  
Committee: Judiciary

**CONTENT**

Senate Bill 1563 (S-1) would amend the Public Health Code to do the following:

- Require the person in charge of an institution where a dead fetus was delivered to arrange for the final disposition of the fetus, taking into account the parents' wishes.
- Require a physician who attended the delivery of a dead fetus outside an institution and a health professional who was present or aware of a miscarriage outside an institution to inform the parents that their authorization was required for the final disposition of the fetal remains.
- Require a funeral director to obtain parental authorization before final disposition of fetal remains resulting from a miscarriage.
- Require a physician who performed an abortion to arrange for the final disposition of the fetal remains, and prescribe regulations for their proper disposal.
- Designate failure to obtain proper authorization for final disposition of fetal remains a civil infraction, and prescribe a fine of up to \$1,000.
- Allow a person to bring a civil action against a violator for injury or damages.

If the remains resulting from an abortion were disposed of by cremation, they would have to be incinerated separately from any other medical waste; they could be cremated, however, with other fetal remains resulting from an abortion.

"Fetal remains" would mean a dead fetus or part of a dead fetus that has completed at least eight weeks of gestation or has reached the stage of development at which, upon visual inspection, the head, torso, or extremities appear to be supported by skeletal or cartilaginous structures. The term would not include the umbilical cord or placenta.

Senate Bill 1561 (S-1) would amend the Public Health Code to make it a felony, punishable by imprisonment for up to three years and/or a maximum fine of \$5,000, to violate the proposed provisions regarding final disposition of fetal remains resulting from an abortion.

Senate Bill 1562 (S-1) would amend the Code of Criminal Procedure to add the violation to the sentencing guidelines as a Class F felony against a person with a statutory maximum of three years.

The bills are tie-barred to each other. They would take effect on April 1, 2011.

Proposed MCL 333.2836a (S.B. 1561)  
MCL 777.13k (S.B. 1562)  
333.2803 et al. (S.B. 1563)

Legislative Analyst: Julie Cassidy

## **FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many individuals would be convicted of the proposed criminal offense. An offender convicted of the Class F offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 17-30 months, with a maximum sentence of three years. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,500, as well as the cost of incarceration in a State facility at an average annual cost of \$34,000. Additional penal fine revenue would benefit public libraries.

The legislation would require institutions where a dead fetus was delivered to make arrangements for disposition and also require physicians who attended delivery of a dead fetus or performed an abortion to make disposition arrangements. Public hospitals and publicly affiliated physician offices would be affected by this legislation. The additional requirements would impose costs on those entities, thereby marginally increasing State and local government expenditures

Date Completed: 11-10-10

Fiscal Analyst: Steve Angelotti  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.