

SENATE BILL No. 9

January 12, 2005, Introduced by Senator BROWN 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 THE USE OR PRESCRIPTION OF A DRUG OR DEVICE
12 INTENDED AS A 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
18 INDIVIDUAL SHALL not knowingly ~~be performed upon~~ PERFORM RESEARCH
19 UTILIZING ORGANS, TISSUES, OR CELLS TAKEN FROM a dead embryo,
20 fetus, or neonate, THE DEATH OF WHICH WAS THE RESULT OF A
21 SPONTANEOUS ABORTION, unless the consent of the mother has first
22 been obtained. Consent ~~shall~~ IS not ~~be~~ required in the case of
23 a 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**
2 lawful 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,
5 or 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 EITHER OF THE FOLLOWING:**

13 (A) **THE PRESCRIPTION OF OR USE OF A DRUG OR DEVICE INTENDED AS**
14 **A CONTRACEPTIVE.**

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