

# SENATE BILL No. 52

January 24, 2007, Introduced by Senator WHITMER and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
 "Public health code,"  
 by amending sections 2685, 2687, 2688, 2692, and 16274 (MCL  
 333.2685, 333.2687, 333.2688, 333.2692, and 333.16274), section  
 16274 as added by 1998 PA 108.

**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  
 7           not in any case be performed on ~~an embryo or~~ **A** fetus known by the

1 person conducting the research to be the subject of a planned  
2 abortion being performed for any purpose other than to protect the  
3 life of the mother.

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

8 Sec. 2687. ~~An embryo, A fetus , or neonate is a live embryo,~~  
9 ~~fetus , or neonate~~ for purposes of sections 2685 to 2691 if, in the  
10 best medical judgment of a physician, it shows evidence of life as  
11 determined by the same medical standards as are used in determining  
12 evidence of life in a spontaneously aborted embryo or fetus at  
13 approximately the same stage of gestational development.

14 Sec. 2688. (1) Research may not knowingly be performed upon a  
15 dead ~~embryo, fetus , or neonate~~ unless the consent of the mother  
16 has first been obtained. Consent shall not be required in the case  
17 of a routine pathological study.

18 (2) For purposes of this section, consent shall be  
19 conclusively presumed to have been granted by a written statement,  
20 signed by the mother that she consents to the use of her dead  
21 ~~embryo, fetus , or neonate~~ for research.

22 (3) Written consent shall constitute lawful authorization for  
23 the transfer of the dead ~~embryo, fetus , or neonate~~ to medical  
24 research facilities.

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

1 Sec. 2692. As used in sections 2685 to 2691: ~~,"nontherapeutic~~

2 (A) "FETUS" MEANS THE PRODUCT OF CONCEPTION FROM IMPLANTATION  
3 UNTIL DELIVERY.

4 (B) "NEONATE" MEANS A NEWBORN.

5 (C) "NONTHERAPEUTIC research" means scientific or laboratory  
6 research, or other kind of experimentation or investigation not  
7 designed to improve the health of the research subject.

8 Sec. 16274. (1) A licensee or registrant shall not engage in  
9 or attempt to engage in human cloning.

10 (2) Subsection (1) does not prohibit scientific research or  
11 cell-based therapies not specifically prohibited by that  
12 subsection.

13 (3) A licensee or registrant who violates subsection (1) is  
14 subject to the administrative penalties prescribed in sections  
15 16221 and 16226 and to the civil penalty prescribed in section  
16 16275.

17 (4) This section does not give a person a private right of  
18 action.

19 (5) As used in this section:

20 (a) "Human cloning" means ~~the use of human~~ **CREATING OR**  
21 **ATTEMPTING TO CREATE A HUMAN BEING BY USING THE** somatic cell  
22 nuclear transfer ~~technology to produce a human embryo~~ **PROCEDURE FOR**  
23 **THE PURPOSE OF, OR TO IMPLANT, THE RESULTING PRODUCT TO INITIATE A**  
24 **PREGNANCY THAT COULD RESULT IN THE BIRTH OF A HUMAN BEING.**

25 ~~— (b) "Human embryo" means a human egg cell with a full genetic~~  
26 ~~composition capable of differentiating and maturing into a complete~~  
27 ~~human being.~~

1           **(B)** ~~(e)~~—"Human somatic cell" means a cell of a developing or  
2 fully developed human being that is not and will not become a sperm  
3 or egg cell.

4           **(C)** ~~(d)~~—"Human somatic cell nuclear transfer" means  
5 transferring the nucleus of a human somatic cell into an egg cell  
6 from which the nucleus has been removed or rendered inert.