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Senate Bill 647 (Substitute S-4 as reported)
Senate Bill 648 (Substitute S-2 as reported)
Sponsor: Senator Tom George (S.B. 647)
 Senator Mark C. Jansen (S.B. 648)
Committee: Health Policy

CONTENT

Senate Bill 647 (S-4) would amend the Public Health Code to do the following:

- Allow a person to conduct research that jeopardized the life or health of a donated human embryo that was created for in vitro fertilization (IVF) purposes but was not needed or suitable for implantation, if the research involved only the extraction or use of embryonic stem cells and other conditions were met.
- Require a person who conducted such research to file an annual report with the Department of Community Health (DCH), using a unique identifier provided by the Department.
- Require the DCH to compile an aggregate statistical report without identifying specific researchers.
- Require the DCH to destroy an annual report from a researcher after five years.
- Require a researcher to report its research, oversight, and review policies and procedures, and certify that they were in compliance with applicable Federal law, rules, regulations, and guidelines.
- Limit the use of data from individual reports.
- Prohibit a person from purchasing or selling a human embryo or oocyte for stem cell research or therapies and cures.
- Prohibit a person from creating or attempting to create a human embryo for the purpose of conducting nontherapeutic research or a human-animal chimeric embryo, and designate a violation a felony.

A violation of an existing provision pertaining to human embryonic research is a felony punishable by imprisonment for up to five years. Under the bill, the penalty also would include a maximum fine of \$5,000 and would apply to the creation of a human embryo for nontherapeutic research and the creation of an animal chimeric embryo.

The disclosure of confidential identifying information or the violation of an applicable Federal law, rule, regulation, or guideline would be a felony punishable by imprisonment for up to one year and/or a maximum fine of \$5,000. Failure to file a required report would be a State civil infraction punishable by a civil fine of at least \$5,000.

The bill is tie-barred to Senate Bill 649, which would make amendments to the Code regarding IVF services.

Senate Bill 648 (S-2) would amend the Code of Criminal Procedure to add to the sentencing guidelines the creation of a human embryo for nontherapeutic research purposes or an animal chimeric embryo as a Class E felony against the public trust. The disclosure of personal identifying information or the violation of a related Federal law with regard to

embryonic research reporting requirements would be a Class G felony against the public trust.

The bill is tie-barred to Senate Bill 647.

MCL 333.2685 et al. (S.B. 647)
777.13k (S.B. 648)

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 offenders would be convicted of the proposed offenses. An offender convicted of the proposed Class E offense would receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months, with a statutory maximum of five years. An offender convicted of the proposed Class G offense would receive a sentencing guidelines minimum sentence range of 0-3 months to 7-12 months, with a statutory maximum of one year. 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 \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$32,000. Individuals convicted of either offense also could be subject to penal fines, not to exceed \$5,000. Any additional revenue collected under these classifications would benefit public libraries.

The Department of Community Health would see a marginal indeterminate increase in costs due to the requirement to collect and aggregate the reports on research using live human embryos.

Date Completed: 1-26-10

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.