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Senate Bill 649 (Substitute S-3 as reported)  
Senate Bill 650 (Substitute S-2 as reported)  
Sponsor: Senator Roger Kahn, M.D. (S.B. 649)  
Senator Dennis Olshove (S.B. 650)  
Committee: Health Policy

## **CONTENT**

Senate Bill 649 (S-3) would amend the Public Health Code to do all of the following:

- Prohibit a physician or health facility or agency that provides in vitro fertilization (IVF) services from delivering, transmitting, or otherwise conveying oocytes or embryos to any person who conducts embryonic stem cell research, without obtaining written, informed consent from an individual who obtained the IVF services.
- Require a physician or health facility or agency that provides IVF services to submit to the Department of Community Health (DCH) a report regarding those services, using a unique identifier provided by the Department.
- Require the DCH to make available an annual aggregate statistical report summarizing the information from the reports filed by physicians and health facilities and agencies, without identifying specific providers.
- Prohibit the report data from being used or maintained in a manner that made it possible to identify a person who had obtained IVF services.

A person who violated the bill's informed consent requirements, or failed to file a required report, would be responsible for a State civil infraction and could be ordered to pay a civil fine of at least \$5,000 per violation. A person who disclosed confidential identifying information would be guilty of a felony punishable by imprisonment for up to one year and/or a maximum fine of \$5,000.

The bill is tie-barred to Senate Bill 647, which would make amendments to the Code regarding human embryo research.

Senate Bill 650 (S-2) would amend the Code of Criminal Procedure to add to the sentencing guidelines the disclosure of confidential identifying information with regard to an IVF services reporting violation as a Class G felony against the public trust.

The bill is tie-barred to Senate Bill 649.

Proposed MCL 333.2694 & 333.2695 (S.B. 649)  
MCL 777.13k (S.B. 650)

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 criminal offense. An offender convicted of the Class G offense under the bills 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 this offense could be subject to penal fines, not to exceed \$5,000. Any additional revenues collected under this classification would benefit public libraries.

Senate Bill 649 (S-3) also would establish a civil infraction fine of not less than \$5,000 per violation to be levied against physicians or health facilities that failed to obtain informed consent from patients or failed to file a required report in accordance with the bill.

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.