

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 564

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2690 (MCL 333.2690).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2690. **(1)** A person shall not knowingly sell, **COLLECT ANY**
2 **FEE FOR**, transfer, distribute, or give away an embryo, fetus, or
3 neonate for a use ~~which~~ **THAT** is in violation of sections 2685 to
4 2689.

5 **(2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), A**
6 **PHYSICIAN, OR A PERSON ASSOCIATED WITH THE PHYSICIAN, WHO, AS A**
7 **RESULT OF THE PHYSICIAN'S PERFORMING AN ELECTIVE ABORTION,**
8 **POSSESSES A DEAD EMBRYO, FETUS, OR NEONATE SHALL NOT KNOWINGLY**
9 **FINANCIALLY BENEFIT FROM OR RECEIVE ANY TYPE OF COMPENSATION FOR**
10 **EITHER OF THE FOLLOWING:**

1 (A) ALLOWING A PERSON THAT WAS NOT INVOLVED IN THE PERFORMANCE
2 OF THE ELECTIVE ABORTION TO HAVE ACCESS TO THE EMBRYO, FETUS, OR
3 NEONATE FOR THE PURPOSE OF THE PERSON TAKING POSSESSION AND CONTROL
4 OF THE EMBRYO, FETUS, OR NEONATE, INCLUDING THE ORGANS, TISSUES, OR
5 CELLS OF THE EMBRYO, FETUS, OR NEONATE.

6 (B) TRANSFERRING POSSESSION AND CONTROL OF THE EMBRYO, FETUS,
7 OR NEONATE, INCLUDING THE ORGANS, TISSUES, OR CELLS OF THE EMBRYO,
8 FETUS, OR NEONATE, TO A PERSON THAT WAS NOT INVOLVED IN THE
9 PERFORMANCE OF THE ELECTIVE ABORTION.

10 (3) SUBSECTION (2) DOES NOT APPLY TO ANY OF THE FOLLOWING:

11 (A) A HOSPITAL.

12 (B) A PERSON THAT IS PERFORMING AN ACTIVITY AS PART OF THAT
13 PERSON'S EMPLOYMENT WITH A HOSPITAL OR A CONTRACT WITH A HOSPITAL.

14 (C) A PERSON THAT PERFORMS AN ACTIVITY UNDER SECTION 2688 OR
15 2836.

16 (4) AS USED IN THIS SECTION:

17 (A) "ELECTIVE ABORTION" MEANS THE INTENTIONAL USE OF AN
18 INSTRUMENT, DRUG, OR OTHER SUBSTANCE OR DEVICE TO TERMINATE A
19 WOMAN'S PREGNANCY FOR A PURPOSE OTHER THAN TO INCREASE THE
20 PROBABILITY OF A LIVE BIRTH, TO PRESERVE THE LIFE OR HEALTH OF THE
21 CHILD AFTER LIVE BIRTH, OR TO REMOVE A FETUS THAT HAS DIED AS A
22 RESULT OF NATURAL CAUSES, ACCIDENTAL TRAUMA, OR A CRIMINAL ASSAULT
23 ON THE PREGNANT WOMAN. ELECTIVE ABORTION DOES NOT INCLUDE ANY OF
24 THE FOLLOWING:

25 (i) THE USE OR PRESCRIPTION OF A DRUG OR DEVICE INTENDED AS A
26 CONTRACEPTIVE.

27 (ii) THE INTENTIONAL USE OF AN INSTRUMENT, DRUG, OR OTHER

1 SUBSTANCE OR DEVICE BY A PHYSICIAN TO TERMINATE A WOMAN'S PREGNANCY
2 IF THE WOMAN'S PHYSICAL CONDITION, IN THE PHYSICIAN'S REASONABLE
3 MEDICAL JUDGMENT, NECESSITATES THE TERMINATION OF THE WOMAN'S
4 PREGNANCY TO AVERT HER DEATH.

5 (iii) TREATMENT ON A PREGNANT WOMAN WHO IS EXPERIENCING A
6 MISCARRIAGE OR HAS BEEN DIAGNOSED WITH AN ECTOPIC PREGNANCY.

7 (B) "HOSPITAL" MEANS A HOSPITAL LICENSED UNDER ARTICLE 17.

8 (C) "PERSON ASSOCIATED WITH THE PHYSICIAN" MEANS ANY OF THE
9 FOLLOWING:

10 (i) AN EMPLOYEE OF THE PHYSICIAN OR OTHER INDIVIDUAL WHO
11 ASSISTS THE PHYSICIAN IN PERFORMING AN ELECTIVE ABORTION.

12 (ii) A PRIVATE PHYSICIAN PRACTICE, PROFESSIONAL CORPORATION,
13 OR FREESTANDING SURGICAL OUTPATIENT FACILITY LICENSED UNDER ARTICLE
14 17, THAT IS OWNED OR OPERATED BY THE PHYSICIAN AND IN WHICH AN
15 ELECTIVE ABORTION IS PERFORMED.

16 (iii) A PRIVATE PHYSICIAN PRACTICE, PROFESSIONAL CORPORATION,
17 OR FREESTANDING SURGICAL OUTPATIENT FACILITY LICENSED UNDER ARTICLE
18 17, THAT EMPLOYS OR CONTRACTS WITH THE PHYSICIAN TO PERFORM AN
19 ELECTIVE ABORTION.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.