



Senate Fiscal Agency  
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## BILL ANALYSIS

Telephone: (517) 373-5383  
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House Bill 5713 (Substitute H-1 as reported without amendment)  
House Bill 5714 (Substitute S-1 as reported)  
House Bill 5715 (Substitute S-2 as reported)  
House Bill 5716 (Substitute H-3 as reported without amendment)  
House Bill 5717 (Substitute S-1 as reported)  
Sponsor: Representative Karen Whitsett (H.B. 5713)  
Representative Bronna Kahle (H.B. 5714)  
Representative Kelly Breen (H.B. 5715)  
Representative John R. Roth (H.B. 5716 & 5717)  
House Committee: Health Policy  
Senate Committee: Health Policy and Human Services

### **CONTENT**

House Bill 5716 (H-3) would add Section 219g to the Michigan Penal Code to do the following:

- Prescribe a felony for knowingly, intentionally, or willfully engaging in a practice or act the person believed would provide false or misleading information related to an assisted reproduction procedure.
- Prescribe a felony for a health professional who knowingly or recklessly used or provided a human embryo or gametes, including his or her own, for assisted reproduction other than the specific embryo or gamete to which the patient expressly consented in writing.
- Specify that the use of an anonymous donor would not be a defense to a violation of Section 219g committed by a health professional.

House Bill 5713 (H-1) would amend the Code of Criminal Procedure to prescribe the statute of limitations for an indictment for a violation of Section 219g of the Penal Code.

House Bill 5714 (S-1) would add Section 2981 to the Revised Judicature Act (RJA) to prescribe damages that a person who engaged in a false representation in assisted reproduction would be liable for to an individual who was injured by a false representation in assisted reproduction, and to allow any individual who was injured by a false representation to bring certain causes of action.

House Bill 5715 (S-2) would amend Part 161 (General Provisions) of the Public Health Code to include a violation of Section 219g or the Penal Code and a final order or judgment under Section 2981 of the RJA as grounds for disciplinary action, and to prescribe probation, limitation, denial, suspension, revocation, permanent revocation, restitution, or fine as a disciplinary action.

House Bill 5717 (S-1) would include the felonies prescribed in House Bill 5716 (H-3) in the sentencing guidelines in the Code of Criminal Procedure.

House Bills 5713 (H-1), 5714 (S-1), and 5717 (S-1) are tie-barred to House Bill 5716. House Bill 5715 (S-2) is tie-barred to House Bills 5714 and 5716. House Bills 5713 (H-1), 5716 (H-3), and 5717 (S-1) would take effect 90 days after their enactment.

MCL 767.24 (H.B. 5713)  
Proposed MCL 600.2980 (H.B. 5714)  
MCL 333.16221 & 333.16226 (H.B. 5715)  
Proposed MCL 750.219g (H.B. 5716)  
MCL 777.16l (H.B. 5717)

Legislative Analyst: Stephen P. Jackson

### **FISCAL IMPACT**

House Bill 5713 (H-1) would have no fiscal impact on State or local government, as it would set a statute of limitations for the offenses proposed under House Bill 5716 (H-3).

House Bill 5714 (S-1) would provide a means for civil recovery for an individual harmed by the actions criminalized under House Bill 5716 (H-3). While some circuit courts could see increased filings as a result of this proposed cause of action, an exact accounting of the costs to local court systems is not available.

House Bill 5715 (S-2) would have no fiscal impact on State or local government.

House Bill 5716 (H-3) would have an unknown, but likely negative, fiscal impact on the Department of Corrections and local units of government. Increased costs for the Department of Corrections would depend on the number of felony convictions under the bill. Currently, the average annual cost to house a prisoner in an MDOC facility is an estimated \$43,000, which includes fixed administrative and operational costs (which are funded with General Fund/General Purpose revenue). Local courts could incur additional costs as a result of increased caseloads from convictions resulting from the bill's proposed changes. Those costs, particularly administrative costs, would depend on the increase in caseloads resulting from cases prosecuted in those courts.

House Bill 5717 (S-1) would have no fiscal impact on State or local government.

Date Completed: 12-6-22

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