Legislative Analysis

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PROHIBIT RESEARCH ON EMBRYONIC OR FETAL TISSUES OR CELLS OBTAINED FROM ABORTION

House Bill 5558 as introduced
Sponsor: Rep. Thomas A. Albert

House Bill 5559 as introduced
Sponsor: Rep. Bronna Kahle

Committee: Health Policy
Complete to 12-1-21

SUMMARY:

House Bill 5558 would amend Part 26 (Data, Information, and Research) of the Public Health Code to prohibit research from being knowingly performed on an organ, tissue, or cell taken from a dead embryo, fetus, or neonate obtained from an abortion. A violation would be a felony punishable by imprisonment for up to five years.

In addition, the code now requires that fetal remains resulting from abortions be disposed of as specified but allows research on the fetal remains upon written consent from the mother. The bill would remove that provision and state that research could not knowingly be performed on the remains.

MCL 333.2688, 333.2690, and 333.2836

House Bill 5559 would amend the sentencing guidelines provisions of the Code of Criminal Procedure to classify the violation described in HB 5558 as a class E felony against a person with a statutory maximum penalty of five years.

The bill is tie-barred to HB 5558, which means that it could not take effect unless HB 5558 were also enacted.

MCL 777.13k

Each bill would take effect 90 days after its enactment.

FISCAL IMPACT:

House Bill 5558 would have an indeterminate fiscal impact on the state and on local units of government. To the extent provisions of the bill result in an increase in felony convictions, the bill would result in increased costs related to state prisons and state probation supervision. In fiscal year 2020, the average cost of prison incarceration in a state facility was roughly $42,200 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about $4,300 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue.

Any fiscal impact on the judiciary and local court systems would depend on how provisions of the bill affect court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases.

House Bill 5559 is a companion bill to HB 5558 and amends sentencing guidelines to include performing research on dead embryo, fetus, or neonate obtained from an abortion as a felony. The bill would not have a direct fiscal impact on the state or on local units of government.

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