

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5714**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2981.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 2981. (1) A person that engages in false representation**
2 **in assisted reproduction is liable to an individual described in**
3 **subsection (2) for 1 or more of the following:**

- 4 **(a) Economic and noneconomic damages.**
5 **(b) Punitive damages.**
6 **(c) Reasonable attorney fees and costs.**

7 **(2) Any individual who is injured by a false representation in**
8 **assisted reproduction may bring an action under this section,**
9 **including but not limited to any of the following:**

1 (a) The patient who gives birth to a child conceived through
2 assisted reproduction as a result of the false representation in
3 assisted reproduction.

4 (b) The patient's spouse at the time the patient used the
5 assisted reproduction services.

6 (c) An individual conceived through assisted reproduction as a
7 result of the false representation in assisted reproduction.

8 (d) A donor whose gamete or human embryo resulted in the birth
9 of a child as a result of false representation in assisted
10 reproduction.

11 (3) A person who brings an action under this section has a
12 separate cause of action for each child born as a result of the
13 false representation in assisted reproduction.

14 (4) An action under this section must be brought not later
15 than 3 years after the person bringing the action discovers the
16 false representation in assisted reproduction.

17 (5) An action under this section is in addition to any other
18 criminal or civil penalties or remedies provided by law.

19 (6) As used in this section:

20 (a) "False representation in assisted reproduction" means
21 conduct or a practice of conduct described in section 219g(1) of
22 the Michigan penal code, 1931 PA 328, MCL 750.219g.

23 (b) "Gamete", "human embryo", and "patient" mean those terms
24 as defined in section 219g of the Michigan penal code, 1931 PA 328,
25 MCL 750.219g.

26 (c) "Person" means an individual or a partnership,
27 corporation, limited liability company, association, or other legal
28 entity.

29 Enacting section 1. This amendatory act does not take effect

1 unless House Bill No. 5716 of the 101st Legislature is enacted into
2 law.