

PARENTAL CHOICE FOR FINAL DISPOSITION OF FETAL REMAINS

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<http://www.house.mi.gov/hfa>

House Bill 4841 as introduced
Sponsor: Rep. Angela Rigas
Committee: Health Policy
Complete to 9-9-25

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4841 would amend the Public Health Code to ensure that parents have the opportunity to decide what happens to the remains following a miscarriage or delivery of a fetus under 20 weeks of gestation or weighing less than 400 grams (14.1 ounces), if the event occurs in a hospital or similar facility

Current law requires hospitals and other medical facilities to handle fetal remains in accordance with public health regulations, but it does not provide parents with an explicit right to decide how remains are managed in cases of miscarriage or early delivery.

The bill would require hospitals to offer parents the option to determine how the remains are handled. A hospital that fails to do so would be subject to penalties. For a first violation, a person would be responsible for a state civil infraction and could be ordered to pay a civil fine of up to \$10,000. Subsequent violations could be charged as a misdemeanor, punishable by up to 90 days' imprisonment, a fine of up to \$50,000, or both.

The bill also would update related provisions of the code to except the above provisions from existing requirements for handling remains.

MCL 333.2848 and 333.2854

FISCAL IMPACT:

House Bill 4841 would have an indeterminate fiscal impact on the state and on local units of government. Under the bill, for a first violation, a person would be responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$10,000 per violation. For a second or subsequent violation, a person would be guilty of a misdemeanor punishable by imprisonment for not more than 90 days, a fine of not more than \$50,000, or both. The fiscal impact would depend on the number of people responsible for first and subsequent violations and ordered to pay civil fines and/or imprisoned. Misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. Revenue collected from payment of civil fines is used to support public and county law libraries. Also, under section 8827(4) of the Revised Judicature Act, \$10 of the civil fine would be required to be deposited into the state's Justice System Fund, which supports various justice-related endeavors in the judicial branch and legislative branches of government and the Departments of State Police, Corrections, Health and Human

Services, and Treasury. The fiscal impact on local court systems would depend on how provisions of the bill affect court caseloads and related administrative costs.

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