Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 592 (as introduced 5-11-99)
Sponsor: Senator John J.H. Schwarz, M.D.
Committee: Health Policy

Date Completed: 5-17-99

CONTENT

The bill would amend the Public Health Code to provide for the temporary retention and disposal of blood specimens and other genetic material taken from a newborn infant for the newborn screening tests required under the Code; and require that a newborn's parents be offered a blood sample from the newborn, for future identification purposes.

Currently, under the Code, the health professional in charge of the care of a newborn infant, or the health professional in charge of the birth, must administer to the infant tests for various conditions as prescribed in the Code. The bill provides that the Department of Community Health (DCH), by January 1, 2000, would have to develop a schedule for the temporary retention and disposal of the blood specimens and other genetic material used for the screening tests after the tests were completed. The schedule would have to meet at least all of the following conditions:

-- Be consistent with nationally recognized standards for laboratory accreditation and Federal law.
-- Require that the disposal be conducted in compliance with the Code's requirements regarding the disposal of medical wastes.
-- Require that the disposal be conducted in the presence of a witness.
-- Require that a written record of the disposal be made and kept, and that the witness sign the record.

Further, the DCH would have to allow the blood specimens and other genetic materials to be used for medical research during the temporary retention period established under the schedule, as long as the medical research was conducted in a manner that preserved the anonymity of the test subjects.

The bill would require a health professional in charge of the birth of an infant, or the hospital or other facility in which the birth took place, or both, to offer to draw an additional blood specimen from the infant. The offer would have to be made to the infant's parent, guardian, or person in loco parentis at the time the blood specimens were drawn for the newborn screening tests. The health professional, or hospital or other facility employee making the offer, would have to explain to the parent, guardian, or person in loco parentis at the time that the additional blood specimen could be used for future identification purposes and should be kept in a safe place. The health professional, or hospital or other facility, could charge a fee that was not more than the actual cost of obtaining and preserving the additional blood specimen.

The bill would require the DCH to rewrite its pamphlet explaining the newborn screening requirements when the supply of pamphlets in existence on the bill's effective date was exhausted. When the DCH rewrote the pamphlet, it would have to include at least all of the following information in the pamphlet:

-- The nature and purpose of the testing program required under the Code including, but not limited to, a brief description of each condition or disorder for which a screening test is required.
-- The purpose and value of retaining a blood specimen obtained for medical research.
-- The DCH's schedule for retaining and disposing of blood specimens and other genetic material.
-- That the blood specimens and other genetic material taken for purposes of conducting the newborn screening tests could be used for medical research.

MCL 333.5431 Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: P. Graham

S9900\s592sa