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BORN ALIVE INFANT PROTECTION ACT

House Bill 5994

Sponsor: Rep. Bruce Patterson

Committee: Family and Children
Services

Complete to 5-3-02

A SUMMARY OF HOUSE BILL 5994 AS INTRODUCED 5-2-02

The bill would create the Born Alive Infant Protection Act. The bill states that the legislature finds that the state has a paramount interest in protecting all individuals; that if an abortion results in the live birth of a newborn, the newborn is a legal person for all purposes under the law; and that it would not infringe on a woman's right to terminate her pregnancy for the state to assert its interest in protecting a newborn whose live birth occurred as the result of an abortion.

Under the bill, if an abortion resulted in a live birth, and the mother, after being informed of the live birth, expresses a desire to not assume custody or responsibility, by refusing to authorize all necessary life sustaining medical treatment or not releasing the newborn for adoption, the newborn would be considered a newborn who has been surrendered to an emergency service provider under the Safe Delivery of Newborns Law.

In addition, if an abortion performed in a hospital resulted in a live birth, a physician attending the birth would be required to inform the mother of the live birth and request medical care for the newborn. If an abortion performed in a setting other than a hospital resulted in a live birth, the attending physician would be required to call 911 to transfer the child to a hospital. In either case, the attending physician would be required to provide the mother any information that he or she has received from the emergency service provider who received custody under the Safe Delivery of Newborns Law.

Furthermore, if a newborn is considered to be surrendered to an emergency service provider under the Safe Delivery of Newborns Law, the identity of the mother and father would be considered confidential and would not be revealed, either orally or in writing.

Analyst: M. Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.