

HOUSE BILL No. 5994

(As amended May 21, 2002)

May 2, 2002, Introduced by Reps. Patterson, Richardville, Birkholz, Kuipers, Hummel, Jelinek, Vander Veen, Pappageorge, Van Woerkom, Vear, Palmer, Meyer, George and Tabor and referred to the Committee on Family and Children Services.

A bill to assert the state's interest in protecting all individuals; and to prescribe responsibilities and procedures in regard to a newborn whose live birth results from an abortion.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) This act shall be known and may be cited as the
2 "born alive infant protection act".

3 (2) As used in this act:

4 [(a) "Abortion" means that term as defined in section
5 17015 of the public health code, 1978 PA 368, MCL 333.17015.

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1 (b) "Live birth" means the complete expulsion or extraction
2 ~~of the offspring of a pregnant woman that, after the expulsion or~~
3 ~~extraction, shows any evidence of life, whether or not the umbil-~~
4 ~~ical cord has been cut or the placenta is attached.~~ of a product of
conception from its mother. regardless of the duration of the pregnancy.
that after expulsion or extraction. whether or not the umbilical cord has
been cut or the placenta is attached. shows any evidence of life,
including, but not limited to, 1 or more of the following:

(i) Breathing.

(ii) A heartbeat.

(iii) Umbilical cord pulsation.

(iv) Definite movement of voluntary muscles.

5 Sec. 2. The legislature finds all of the following:

6 (a) The state has a paramount interest in protecting all
7 individuals.

8 (b) If an abortion results in the live birth of a newborn,
9 the newborn is a legal person for all purposes under the law.

10 (c) A woman's right to terminate pregnancy ends when the
11 pregnancy is terminated. It is not an infringement on a woman's
12 right to terminate her pregnancy for the state to assert its
13 interest in protecting a newborn whose live birth occurs as the
14 result of an abortion.

15 Sec. 3. (1) If an abortion results in a live birth and,
16 after being informed of the newborn's live birth, the newborn's
17 mother expresses a desire not to assume custody and responsibil-
18 ity for the newborn, by refusing to authorize all necessary life
19 sustaining medical treatment for the newborn or releasing the
20 newborn for adoption, the newborn shall be considered a newborn
21 who has been surrendered to an emergency service provider under
22 the safe delivery of newborns law, chapter XII of the probate
23 code of 1939, 1939 PA 288, MCL 712.1 to 712.20. The procedures
24 of the safe delivery of newborns law, chapter XII of the probate
25 code of 1939, 1939 PA 288, MCL 712.1 to 712.20, shall be followed
26 in regard to the custody and care of the newborn.

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1 [(2) If an abortion performed in a hospital setting results
2 in a live birth, the physician attending the abortion shall
3 provide immediate medical care to the newborn, inform the
4 mother of the live birth, and request transfer of the newborn to
5 a resident, on-duty, or emergency room physician who shall
6 provide medical care to the newborn. If an abortion performed
7 in other than a hospital setting results in a live birth, a
8 physician attending the abortion shall provide immediate medical care to
the newborn and call 9-1-1 for an emergency transfer of the newborn to a
hospital that shall provide medical care to the newborn.]

9 (3) A live birth described in this act shall be reported as
10 required in section 2822 of the public health code, 1978 PA 368,
11 MCL 333.2822.

12 (4) If a newborn is considered a newborn who has been sur-
13 rendered to an emergency service provider under the safe delivery
14 of newborns law, chapter XII of the probate code of 1939, 1939 PA
15 288, MCL 712.1 to 712.20, as provided in subsection (1), the
16 identity of the newborn's mother and father becomes confidential
17 and shall not be revealed, either orally or in writing.

18 (5) The attending physician who transfers care of a live
19 newborn under this section to another physician or a 9-1-1 emer-
20 gency responder shall transmit to the mother of the newborn any
21 information provided to the attending physician by the emergency
22 service provider who received custody of the newborn under the
23 safe delivery of newborns law, chapter XII of the probate code of
24 1939, 1939 PA 288, MCL 712.1 to 712.20, as provided in [section
25 3 of the safe delivery of newborns law, chapter XII of the probate code
of 1939, 1939 PA 288, MCL 712.3].