

# SENATE BILL No. 249

March 4, 2003, Introduced by Senators BROWN, GILBERT, CROPSEY, PATTERSON, McMANUS, JELINEK, HARDIMAN, BASHAM, GARCIA, VAN WOERKOM, CASSIS, BIRKHOLZ, GOSCHKA, KUIPERS, STAMAS, GEORGE, BISHOP, ALLEN and SANBORN and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 2685 and 2688 (MCL 333.2685 and 333.2688).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2685. (1) A person shall not use a live human embryo,  
2 fetus, or neonate for nontherapeutic research if, in the best  
3 judgment of the person conducting the research, based upon the  
4 available knowledge or information at the approximate time of the  
5 research, the research substantially jeopardizes the life or  
6 health of the embryo, fetus, or neonate. Nontherapeutic research  
7 shall not in any case be performed on an embryo or fetus known by  
8 the person conducting the research to be the subject of a planned  
9 abortion being performed for any purpose other than to protect  
10 the life of the mother.

11       (2) For purposes of subsection (1) the embryo or fetus ~~shall~~

1 ~~be~~ is conclusively presumed not to be the subject of a planned  
2 abortion if the mother signed a written statement at the time of  
3 the research, that she was not planning an abortion.

4 (3) As used in this section, "abortion" means that term as  
5 defined in section 17015.

6 Sec. 2688. (1) As used in this section, "elective abortion"  
7 means the intentional use of an instrument, drug, or other  
8 substance or device to terminate a woman's pregnancy for a  
9 purpose other than to increase the probability of a live birth,  
10 to preserve the life or health of the child after live birth, or  
11 to remove a dead fetus. Elective abortion does not include  
12 either of the following:

13 (a) The prescription of or use of a drug or device intended  
14 as a contraceptive.

15 (b) The intentional use of an instrument, drug, or other  
16 substance or device by a physician to terminate a woman's  
17 pregnancy if the woman's physical condition, in the physician's  
18 reasonable medical judgment, necessitates the termination of the  
19 woman's pregnancy to avert her death.

20 (2) A health professional or other individual shall not  
21 knowingly perform research utilizing organs, tissues, or cells  
22 taken from a dead embryo or fetus if the death of the embryo or  
23 fetus was the result of an elective abortion.

24 (3) ~~-(1) Research may~~ A health professional or other  
25 individual shall not knowingly ~~be performed upon~~ perform  
26 research utilizing organs, tissues, or cells taken from a dead  
27 embryo, fetus, or neonate, the death of which was the result of a

1 **spontaneous abortion**, unless the consent of the mother has first  
2 been obtained. Consent ~~shall~~ **is** not ~~be~~ required in the case  
3 of a routine pathological study.

4       **(4)** ~~-(2)-~~ For purposes of this section, consent ~~shall be~~ **is**  
5 conclusively presumed to have been granted by a written  
6 statement, signed by the mother that she consents to the use of  
7 her dead embryo, fetus, or neonate for research.

8       **(5)** ~~-(3)-~~ Written consent ~~shall constitute~~ **constitutes**  
9 lawful authorization for the transfer of the dead embryo, fetus,  
10 or neonate to **a** medical research ~~facilities~~ **facility**.

11       **(6)** ~~-(4)-~~ Research being performed upon a dead embryo, fetus,  
12 or neonate shall be conducted in accordance with the same  
13 standards applicable to research conducted pursuant to part 101.