

HOUSE BILL No. 5605

January 24, 2006, Introduced by Reps. Lemmons, III, Lemmons, Jr., Cushingberry, Virgil Smith, Zelenko, Vagnozzi, Miller, Polidori, Clemente, Lipsey, Condino, Tobocman, Hunter and Waters and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16273 (MCL 333.16273), as added by 1988 PA 487.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16273. (1) A licensee, except a veterinarian licensed
2 under this article, who provides artificial insemination services
3 on an anonymous basis shall use only frozen sperm, and shall test
4 each potential sperm donor for the presence in the donor of HIV or
5 an antibody to HIV. The donated sperm shall be frozen, stored, and
6 quarantined for not less than 6 months. Before frozen sperm is used
7 for artificial insemination, and not less than 6 months after the
8 date of the donation, the licensee shall take a second blood sample
9 from the donor and have that blood sample tested for HIV or an
10 antibody to HIV. If at any time the test results are positive, the

licensee shall not use the sperm of the donor for artificial insemination purposes.

(2) A LICENSEE, EXCEPT A VETERINARIAN LICENSED UNDER THIS ARTICLE, WHO PROVIDES ARTIFICIAL INSEMINATION SERVICES ON AN ANONYMOUS BASIS SHALL PROVIDE EACH DONOR WITH THE OPTION TO SIGN A CONTRACT AUTHORIZING THE LICENSEE TO REVEAL HIS OR HER IDENTITY UNDER CERTAIN CIRCUMSTANCES. THE LICENSEE SHALL ONLY RELEASE THE DONOR'S IDENTIFYING INFORMATION UPON WRITTEN REQUEST FROM THE INDIVIDUAL WHO WAS CONCEIVED THROUGH THE ARTIFICIAL INSEMINATION PROCESS, AND THE INFORMATION SHALL ONLY BE RELEASED TO THAT INDIVIDUAL. THE LICENSEE SHALL NOT RELEASE THE INFORMATION TO THE PARENTS OF THE INDIVIDUAL CONCEIVED. THE INDIVIDUAL REQUESTING THE INFORMATION MUST BE AT LEAST 18 YEARS OF AGE. PRIOR TO RELEASING THE INFORMATION AS AUTHORIZED UNDER THIS SUBSECTION, THE LICENSEE SHALL CONTACT THE DONOR AND ASK HIM OR HER TO UPDATE HIS OR HER PROFILE AND TO SPECIFY HIS OR HER PREFERRED FORM OF CONTACT, IF ANY.

(3) ~~—(2)—~~ A licensee who violates this section shall be liable in a civil action for damages for the loss or damage resulting from the violation.

(4) ~~—(3)—~~ As used in this section:

(a) "Anonymous basis" means that the recipient of the sperm does not know the identity of the donor, but the licensee who provides the artificial insemination services or collects the sperm from the donor does know the identity of the donor.

(b) "HIV" means human immunodeficiency virus.