

# SENATE BILL No. 359

March 20, 2007, Introduced by Senators BROWN, VAN WOERKOM, GILBERT, BARCIA, KUIPERS, BIRKHOLZ, SANBORN, BISHOP, CROPSEY, STAMAS and CASSIS 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 health  
6 of the embryo, fetus, or neonate. Nontherapeutic research shall not  
7 in any case be performed on an embryo or fetus known by the person  
8 conducting the research to be the subject of a planned abortion  
9 being performed for any purpose other than to protect the life of  
10 the mother.

1           (2) For purposes of subsection (1) the embryo or fetus ~~shall~~  
2 ~~be~~-IS conclusively presumed not to be the subject of a planned  
3 abortion if the mother signed a written statement at the time of  
4 the research, that she was not planning an abortion.

5           (3) AS USED IN THIS SECTION, "ABORTION" MEANS THE INTENTIONAL  
6 USE OF AN INSTRUMENT, DRUG, OR OTHER SUBSTANCE OR DEVICE TO  
7 TERMINATE A WOMAN'S PREGNANCY FOR A PURPOSE OTHER THAN TO INCREASE  
8 THE PROBABILITY OF A LIVE BIRTH, TO PRESERVE THE LIFE OR HEALTH OF  
9 THE CHILD AFTER LIVE BIRTH, OR TO REMOVE A DEAD FETUS. ABORTION  
10 DOES NOT INCLUDE A PROCEDURE TO COMPLETE A SPONTANEOUS ABORTION OR  
11 THE USE OR PRESCRIPTION OF A DRUG OR DEVICE INTENDED AS A  
12 CONTRACEPTIVE.

13           Sec. 2688. (1) A HEALTH PROFESSIONAL OR OTHER INDIVIDUAL SHALL  
14 NOT KNOWINGLY PERFORM RESEARCH UTILIZING ORGANS, TISSUES, OR CELLS  
15 TAKEN FROM A DEAD EMBRYO OR FETUS IF THE DEATH OF THE EMBRYO OR  
16 FETUS WAS THE RESULT OF AN ELECTIVE ABORTION.

17           (2) ~~(1) Research may~~ A HEALTH PROFESSIONAL OR OTHER INDIVIDUAL  
18 SHALL not knowingly ~~be performed upon~~ PERFORM RESEARCH UTILIZING  
19 ORGANS, TISSUES, OR CELLS TAKEN FROM a dead embryo, fetus, or  
20 neonate, THE DEATH OF WHICH WAS THE RESULT OF A SPONTANEOUS OR  
21 NONELECTIVE ABORTION, unless the consent of the mother has first  
22 been obtained. Consent ~~shall~~-IS not ~~be~~-required in the case of a  
23 routine pathological study.

24           (3) ~~(2)~~ For purposes of this section, consent ~~shall be~~-IS  
25 conclusively presumed to have been granted by a written statement,  
26 signed by the mother that she consents to the use of her dead  
27 embryo, fetus, or neonate for research.

1           (4) ~~(3)~~ Written consent ~~shall constitute~~ **CONSTITUTES** lawful  
2 authorization for the transfer of the dead embryo, fetus, or  
3 neonate to ~~A medical research facilities~~ **FACILITY**.

4           (5) ~~(4)~~ Research being performed upon a dead embryo, fetus, or  
5 neonate shall be conducted in accordance with the same standards  
6 applicable to research conducted pursuant to part 101.

7           (6) **AS USED IN THIS SECTION, "ELECTIVE ABORTION" MEANS THE**  
8 **INTENTIONAL USE OF AN INSTRUMENT, DRUG, OR OTHER SUBSTANCE OR**  
9 **DEVICE TO TERMINATE A WOMAN'S PREGNANCY FOR A PURPOSE OTHER THAN TO**  
10 **INCREASE THE PROBABILITY OF A LIVE BIRTH, TO PRESERVE THE LIFE OR**  
11 **HEALTH OF THE CHILD AFTER LIVE BIRTH, OR TO REMOVE A DEAD FETUS.**  
12 **ELECTIVE ABORTION DOES NOT INCLUDE ANY OF THE FOLLOWING:**

13           (A) **A PROCEDURE TO COMPLETE A SPONTANEOUS ABORTION.**

14           (B) **THE PRESCRIPTION OF OR USE OF A DRUG OR DEVICE INTENDED AS**  
15 **A CONTRACEPTIVE.**

16           (C) **THE INTENTIONAL USE OF AN INSTRUMENT, DRUG, OR OTHER**  
17 **SUBSTANCE OR DEVICE BY A PHYSICIAN TO TERMINATE A WOMAN'S PREGNANCY**  
18 **IF THE WOMAN'S PHYSICAL CONDITION, IN THE PHYSICIAN'S REASONABLE**  
19 **MEDICAL JUDGMENT, NECESSITATES THE TERMINATION OF THE WOMAN'S**  
20 **PREGNANCY TO AVERT HER DEATH.**