

HOUSE BILL No. 5133

June 23, 2009, Introduced by Reps. Mayes, Meekhof, Kowall, Hansen, LeBlanc, Terry Brown, Sheltroun, Spade, Lahti, McDowell, Opsommer, Espinoza, Green, Horn, Crawford, Rogers, Elsenheimer, Tlaib, DeShazor, Kurtz, Pearce, Marleau, Neumann, Bolger, Booher, Meltzer, Agema, Proos, Pavlov, Haveman, Calley, Hildenbrand, Ball, Dean, Lund, Stamas, Lori, Walsh, Moss, Caul, McMillin, Paul Scott, Rick Jones, Genetski and Amash and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 2694 and 2695.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2694. (1) A PHYSICIAN OR HEALTH FACILITY OR AGENCY SHALL
2 NOT PROVIDE HUMAN IN VITRO FERTILIZATION SERVICES WITHOUT FIRST
3 OBTAINING THE VOLUNTARY AND WRITTEN INFORMED CONSENT FROM THE
4 INDIVIDUAL WHO IS SEEKING THE SERVICES. IN ADDITION TO ANY
5 INFORMATION REQUIRED TO BE PROVIDED BY THE ACCEPTED STANDARD OF
6 CARE, THE DOCUMENTED INFORMED CONSENT SHALL INCLUDE AT LEAST THE
7 FOLLOWING INFORMATION:

8 (A) THE INTENTION OR LIKELIHOOD THAT THE PLANNED SERVICES WILL
9 PRODUCE OOCYTES AND EMBRYOS IN EXCESS OF THE POTENTIAL NUMBER OF

1 CHILDREN THE INDIVIDUAL MIGHT CONSIDER BRINGING TO BIRTH.

2 (B) OPTIONS AVAILABLE TO CREATE, UTILIZE, OR STORE EMBRYOS IN
3 A QUANTITY MOST ACCEPTABLE TO THE INDIVIDUAL SEEKING THE SERVICES.

4 (C) THE POTENTIAL OR EXPECTED FINANCIAL OBLIGATIONS PER ANNUM
5 IF THE INDIVIDUAL CHOOSES TO CRYOPRESERVE AND STORE EXCESS OOCYTES
6 OR EMBRYOS.

7 (D) CURRENT DATA ON EMBRYO LOSS AND IMPLANTATION SUCCESS
8 SUBSEQUENT TO THAWING CRYOPRESERVED EMBRYOS, INCLUDING DATA FROM
9 THE AGGREGATE REPORT DESCRIBED IN SECTION 2695(3) AND DATA FROM THE
10 PROVIDER'S PREVIOUS 2 INDIVIDUAL REPORTS UNDER SECTION 2695, WHERE
11 APPLICABLE.

12 (E) A STATEMENT ON THE LEGAL PROHIBITIONS ON PERSONS OFFERING
13 OR PROVIDING ANY VALUABLE CONSIDERATION IN EXCHANGE FOR PROVIDING
14 EXCESS OOCYTES OR EMBRYOS TO ANY OTHER PERSON.

15 (2) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
16 STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF
17 NOT LESS THAN \$5,000.00 PER VIOLATION.

18 SEC. 2695. (1) A PHYSICIAN OR HEALTH FACILITY OR AGENCY THAT
19 PROVIDES HUMAN IN VITRO FERTILIZATION SERVICES SHALL ANNUALLY
20 SUBMIT A REPORT AS DESCRIBED IN SUBSECTION (2) ON FORMS PRESCRIBED
21 AND PROVIDED BY THE DEPARTMENT AND AT THE TIME AND IN THE MANNER
22 PRESCRIBED BY THE DEPARTMENT.

23 (2) A PHYSICIAN OR HEALTH FACILITY OR AGENCY THAT PROVIDES
24 HUMAN IN VITRO FERTILIZATION SERVICES SHALL COLLECT AND REPORT ONLY
25 THE FOLLOWING INFORMATION TO THE DEPARTMENT AS REQUIRED UNDER
26 SUBSECTION (1):

27 (A) NUMBER OF PATIENTS ON WHOM OOCYTE EXTRACTIONS WERE

1 ATTEMPTED.

2 (B) NUMBER OF PATIENTS FROM WHOM OOCYTES WERE SUCCESSFULLY
3 EXTRACTED.

4 (C) NUMBER OF OOCYTES EXTRACTED FROM ALL PATIENTS.

5 (D) NUMBER AND TYPE OF COMPLICATIONS EXPERIENCED BY PATIENTS
6 UNDERGOING OOCYTE EXTRACTION.

7 (E) NUMBER OF OOCYTES RETAINED IN STORAGE.

8 (F) NUMBER OF OOCYTES DISCARDED BEFORE FERTILIZATION ATTEMPTS.

9 (G) NUMBER OF OOCYTES EXPOSED TO SPERM FOR FERTILIZATION.

10 (H) NUMBER OF EMBRYOS SUCCESSFULLY CREATED.

11 (I) NUMBER OF EMBRYOS UNDERGOING GENETIC SCREENING.

12 (J) NUMBER OF EMBRYOS DISCARDED BEFORE IMPLANTATION ATTEMPTS.

13 (K) NUMBER OF PATIENTS UNDERGOING EMBRYO IMPLANTATION
14 PROCEDURES.

15 (L) NUMBER OF IMPLANTATION PROCEDURES ATTEMPTED.

16 (M) NUMBER OF EMBRYOS USED IN IMPLANTATION PROCEDURES.

17 (N) NUMBER OF PATIENTS WITH SUCCESSFUL IMPLANTATION.

18 (O) NUMBER OF EMBRYOS SUCCESSFULLY IMPLANTED.

19 (P) NUMBER OF EMBRYOS INTENTIONALLY TERMINATED IN UTERO AFTER
20 PREGNANCY HAS BEEN ESTABLISHED.

21 (Q) NUMBER OF MISCARRIAGES.

22 (R) GESTATIONAL AGE AT TIME OF MISCARRIAGE AND NUMBER OF
23 EMBRYOS OR FETUSES MISCARRIED FOR EACH MISCARRIAGE.

24 (S) NUMBER OF LIVE BIRTHS.

25 (T) NUMBER OF MULTIPLE BIRTHS.

26 (U) THE GESTATIONAL AGE AT BIRTH AND BIRTH WEIGHT FOR EACH
27 LIVE BIRTH.

1 (V) NUMBER OF INFANTS WITH DISABILITIES OR DEFORMITIES
2 DETECTABLE AT BIRTH.

3 (W) NUMBER OF EMBRYOS THAWED FOR IMPLANTATION OR DONATION.

4 (X) NUMBER OF EMBRYOS VIABLE AFTER THAWING PROCESS.

5 (Y) NUMBER OF EMBRYOS DONATED FOR IMPLANTATION.

6 (Z) NUMBER OF EMBRYOS DONATED FOR RESEARCH AND THE HEALTH
7 FACILITY OR AGENCY, ACADEMIC INSTITUTION, OR OTHER PERSON TO WHICH
8 THEY WERE DONATED.

9 (AA) NUMBER OF EMBRYOS DISCARDED AFTER STORAGE AT THE
10 DIRECTION OF THE INDIVIDUAL SEEKING IN VITRO FERTILIZATION
11 SERVICES.

12 (BB) NUMBER OF EMBRYOS HELD IN STORAGE AT THE BEGINNING AND
13 END OF THE REPORTING YEAR.

14 (3) THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

15 (A) DEVELOP AND MAKE AVAILABLE IN PRINT AND ELECTRONIC FORMAT
16 A FORM FOR PHYSICIANS AND HEALTH FACILITIES AND AGENCIES TO UTILIZE
17 IN FILING THE REPORT REQUIRED IN SUBSECTION (1).

18 (B) MAKE AVAILABLE ANNUALLY IN AGGREGATE A STATISTICAL REPORT
19 SUMMARIZING THE INFORMATION SUBMITTED IN EACH INDIVIDUAL REPORT
20 REQUIRED BY THIS SECTION.

21 (C) DESTROY EACH REPORT REQUIRED BY THIS SECTION AND EACH COPY
22 OF THE REPORT AFTER RETAINING THE REPORT FOR 5 YEARS AFTER THE DATE
23 THE REPORT IS RECEIVED.

24 (4) A PERSON SUBMITTING A REPORT UNDER SUBSECTION (1) SHALL
25 NOT INCLUDE THE NAME, COMMON IDENTIFIERS SUCH AS SOCIAL SECURITY
26 NUMBER OR MOTOR VEHICLE OPERATOR'S LICENSE NUMBER, OR OTHER
27 INFORMATION OR IDENTIFIERS THAT WOULD MAKE IT POSSIBLE TO IDENTIFY

1 IN ANY MANNER OR UNDER ANY CIRCUMSTANCES AN INDIVIDUAL WHO HAS
2 OBTAINED IN VITRO FERTILIZATION SERVICES. A STATE AGENCY SHALL NOT
3 COMPARE DATA IN AN ELECTRONIC OR OTHER INFORMATION SYSTEM FILE WITH
4 DATA IN ANY OTHER ELECTRONIC OR OTHER INFORMATION SYSTEM THAT WOULD
5 RESULT IN IDENTIFYING IN ANY MANNER OR UNDER ANY CIRCUMSTANCES AN
6 INDIVIDUAL WHO HAS OBTAINED IN VITRO FERTILIZATION SERVICES. A
7 PERSON SHALL NOT MAINTAIN STATISTICAL INFORMATION THAT MAY REVEAL
8 THE IDENTITY OF AN INDIVIDUAL WHO HAS OBTAINED IN VITRO
9 FERTILIZATION SERVICES.

10 (5) THE REPORTS REQUIRED UNDER THIS SECTION ARE STATISTICAL
11 REPORTS TO BE USED ONLY FOR MEDICAL AND HEALTH PURPOSES AND SHALL
12 NOT BE INCORPORATED INTO THE PERMANENT OFFICIAL RECORDS OF THE
13 SYSTEM OF VITAL STATISTICS.

14 (6) A PERSON WHO VIOLATES THIS SECTION BY DISCLOSING
15 CONFIDENTIAL IDENTIFYING INFORMATION IS GUILTY OF A FELONY
16 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF
17 NOT MORE THAN \$5,000.00, OR BOTH. A PERSON WHO VIOLATES THIS
18 SECTION BY FAILING TO FILE A REQUIRED REPORT IS RESPONSIBLE FOR A
19 STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF
20 NOT LESS THAN \$5,000.00 PER VIOLATION.