

# Legislative Analysis

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## **BAN ON DISTRIBUTION OF FETAL TISSUE FOR PAYMENT**

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 564 & 565 as passed by the Senate**  
**Sponsor: Sen. Phil Pavlov**  
**House Committee: Health Policy**  
**Senate Committee: Oversight**  
**Complete to 12-5-16**

Analysis available at  
<http://www.legislature.mi.gov>

### **SUMMARY:**

Senate Bill 564 would add language to the Public Health Code providing that one may not benefit from the distribution or transfer of fetal parts. The prohibition on selling an embryo, fetus, or neonate is already found in Section 2690 of the Code. The bills would also add a second part to that section that would prohibit knowingly financially benefitting from or receiving any type of compensation for the distribution or transfer of any portion of an embryo, fetus, or neonate including any organs, tissues, or cells obtained as the result of an elective abortion.

The bill defines "elective abortion" as the intentional use of an instrument, drug, or other substance or device to terminate a woman's pregnancy for a purpose other than to increase the probability of a live birth, the preserve the life of the child after live birth, or to remove a fetus that has died as a result of natural causes, accidental trauma, or a criminal assault on the pregnant woman. An elective abortion does not include the use of contraceptives, termination of a pregnancy to save the woman's life, or treatment of a woman who is experiencing a miscarriage or has been diagnosed with an ectopic pregnancy.

Senate Bill 565 would classify the action described in SB 564 as a class E felony against a person with a statutory maximum penalty of five years. Additionally, the bill would add "neonate" to the guidelines' description of offenses involving the use of, research on, or sale or delivery of a fetus or embryo.

The bill would add language that a person may not knowingly benefit from or receive compensation for the distribution or transfer of any portion of an embryo, fetus, or neonate including any organs, tissues, or cells that were obtained as the result of an elective abortion.

Senate Bill 565 is tie-barred to SB 564, meaning that it would not take effect unless SB 564 is also enacted. Both bills would take effect 90 days after enactment.

### **FISCAL IMPACT:**

Senate Bill 564 would have an indeterminate fiscal impact on the state and local units of government. It is anticipated that the fiscal impact would be nominal, if any. It is unknown how many persons, if any, would be convicted under the provisions of the bill. In the event

of new felony convictions, there would be increased costs related to state prisons and state probation supervision. The average cost of prison incarceration in a state facility is roughly \$34,900 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision average about \$3,400 per supervised offender per year. The fiscal impact on local court systems would depend on how the provisions of the bill affected caseloads and related administrative costs. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

Senate Bill 565 amends sentencing guidelines and does not have a direct fiscal impact on the state or on local units of government.

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