

HOUSE BILL NO. 5880

March 08, 2022, Introduced by Reps. Calley, Whitsett and Yaroch and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 17019.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 17019. (1) Beginning January 1, 2023, a physician shall**
2 **not perform breast implant surgery on a patient without first**
3 **providing the patient with and discussing all of the following and**
4 **obtaining the patient's written, informed consent:**

5 **(a) A description of the risks associated with breast implants**

1 and a description of the surgical procedure used in breast implant
2 surgery.

3 (b) Manufacturer patient information materials on the breast
4 implant that will be used in the breast implant surgery, including,
5 but not limited to, warning requirements prescribed by the United
6 States Food and Drug Administration.

7 (c) The informed consent checklist described in subsection
8 (3).

9 (d) Information on how the patient can report an adverse event
10 associated with a breast implant through the United States Food and
11 Drug Administration's medical product safety reporting program or a
12 similar program approved by the board.

13 (2) The information described in subsection (1) may be
14 provided to a patient in writing or in electronic form. The
15 information described in subsection (1) must be based on
16 information that is generally available to physicians who
17 specialize in breast implant surgery at the time the information is
18 provided to the patient.

19 (3) By December 1, 2022, the board, in consultation with the
20 Michigan board of osteopathic medicine and surgery and patient
21 advocacy groups, shall develop an informed consent checklist that
22 includes information on breast implant-associated anaplastic large
23 cell lymphoma, breast implant illness, the Plastic Surgery
24 Foundation's National Breast Implant Registry or a similar registry
25 approved by the boards described in this subsection, and any other
26 information that is considered necessary. The board shall
27 periodically review the checklist to determine whether an update to
28 the checklist is necessary.

29 (4) As used in this section, "breast implant surgery" means

1 the surgical placement of a cosmetic breast implant.

2 Enacting section 1. This amendatory act does not take effect
3 unless Senate Bill No. _____ or House Bill No. 5881 (request no.
4 03834'21) of the 101st Legislature is enacted into law.