BORN ALIVE INFANT PROTECTION ACT
Act 687 of 2002

AN ACT to assert the state's interest in protecting all individuals; and to prescribe responsibilities and procedures in regard to a newborn whose live birth results from an abortion.

History: 2002, Act 687, Eff. Mar. 31, 2003.

The People of the State of Michigan enact:

333.1071 Short title; definitions.

Sec. 1. (1) This act shall be known and may be cited as the “born alive infant protection act”.

(2) As used in this act:

(a) “Abortion” means that term as defined in section 17015 of the public health code, 1978 PA 368, MCL 333.17015.

(b) “Live birth” means the complete expulsion or extraction of a product of conception from its mother, regardless of the duration of the pregnancy, that after expulsion or extraction, whether or not the umbilical cord has been cut or the placenta is attached, shows any evidence of life, including, but not limited to, 1 or more of the following:

(*i*) Breathing.

(*ii*) A heartbeat.

(*iii*) Umbilical cord pulsation.

(*iv*) Definite movement of voluntary muscles.

History: 2002, Act 687, Eff. Mar. 31, 2003.

333.1072 Legislative findings.

Sec. 2. The legislature finds all of the following:

(a) The state has a paramount interest in protecting all individuals.

(b) If an abortion results in the live birth of a newborn, the newborn is a legal person for all purposes under the law.

(c) A woman's right to terminate pregnancy ends when the pregnancy is terminated. It is not an infringement on a woman's right to terminate her pregnancy for the state to assert its interest in protecting a newborn whose live birth occurs as the result of an abortion.

History: 2002, Act 687, Eff. Mar. 31, 2003.

333.1073 Abortion resulting in live birth; surrender of newborn to emergency service provider; medical care; report; confidentiality of newborn's mother and father; transmission of information to newborn's mother.

Sec. 3. (1) If an abortion results in a live birth and, after being informed of the newborn's live birth, the newborn's mother expresses a desire not to assume custody and responsibility for the newborn, by refusing to authorize all necessary life sustaining medical treatment for the newborn or releasing the newborn for adoption, the newborn shall be considered a newborn who has been surrendered to an emergency service provider under the safe delivery of newborns law, chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20. The procedures of the safe delivery of newborns law, chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20, shall be followed in regard to the custody and care of the newborn.

(2) If an abortion performed in a hospital setting results in a live birth, the physician attending the abortion shall provide immediate medical care to the newborn, inform the mother of the live birth, and request transfer of the newborn to a resident, on-duty, or emergency room physician who shall provide medical care to the newborn. If an abortion performed in other than a hospital setting results in a live birth, a physician attending the abortion shall provide immediate medical care to the newborn and call 9-1-1 for an emergency transfer of the newborn to a hospital that shall provide medical care to the newborn.

(3) A live birth described in this act shall be reported as required in section 2822 of the public health code, 1978 PA 368, MCL 333.2822.

(4) If a newborn is considered a newborn who has been surrendered to an emergency service provider under the safe delivery of newborns law, chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20, as provided in subsection (1), the identity of the newborn's mother and father becomes confidential and shall not be revealed, either orally or in writing.

(5) The attending physician who transfers care of a live newborn under this section to another physician or

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a 9-1-1 emergency responder shall transmit to the mother of the newborn any information provided to the attending physician by the emergency service provider who received custody of the newborn under the safe delivery of newborns law, chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20, as provided in section 3 of the safe delivery of newborns law, chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.3.

History: 2002, Act 687, Eff. Mar. 31, 2003.

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