A bill to amend 1978 PA 368, entitled "Public health code,"
by amending sections 2688, 2690, and 2836 (MCL 333.2688, 333.2690, and 333.2836), section 2690 as amended by 2016 PA 386 and section 2836 as added by 2012 PA 499.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 2688. (1) Research may not knowingly be performed upon a dead embryo, fetus, or neonate unless the consent of the mother has first been obtained. Consent is not required in the case of a routine pathological study.

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

(3) Written consent shall constitute lawful authorization for the transfer of the dead embryo, fetus, or neonate to a medical research facility.

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

(5) Except as otherwise provided in section 27 of article I of the state constitution of 1963, research shall not knowingly be performed on an organ, tissue, or cell taken from a dead embryo, fetus, or neonate obtained from an abortion. As used in this subsection, "abortion" means that term as defined in section 2803.

Sec. 2690. (1) A person shall not knowingly sell, collect any fee for, transfer, distribute, or give away an embryo, fetus, or neonate for a use that violates sections 2685 to 2689.

(2) Except as otherwise provided in subsection (3), a physician, or a person associated with the physician, who, as a result of the physician's performing an elective abortion, possesses a dead embryo, fetus, or neonate shall not knowingly financially benefit from or receive any type of compensation for either of the following:

(a) Allowing a person that was not involved in the performance of the elective abortion to have access to the embryo, fetus, or neonate for the purpose of the person taking possession and control of the embryo, fetus, or neonate, including the organs, tissues, or cells of the embryo, fetus, or neonate.

(b) Transferring possession and control of the embryo, fetus,
or neonate, including the organs, tissues, or cells of the embryo, fetus, or neonate, to a person that was not involved in the performance of the elective abortion.

(3) Subsection (2) does not apply to any of the following:
(a) A hospital.
(b) A person that is performing an activity as part of that person's employment with a hospital or a contract with a hospital.
(c) A person that performs an activity under section 2688 or 2836.

(4) As used in this section:
(a) "Elective abortion" means 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, to preserve the life or health 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. Elective abortion does not include any of the following:
   (i) The use or prescription of a drug or device intended as a contraceptive.
   (ii) The intentional use of an instrument, drug, or other substance or device by a physician to terminate a woman's pregnancy if the woman's physical condition, in the physician's reasonable medical judgment, necessitates the termination of the woman's pregnancy to avert her death.
   (iii) Treatment on a pregnant woman who is experiencing a miscarriage or has been diagnosed with an ectopic pregnancy.
(b) "Hospital" means a hospital licensed under article 17.
(c) "Person associated with the physician" means any of the
following:

(i) An employee of the physician or other individual who assists the physician in performing an elective abortion.

(ii) A private physician practice, professional corporation, or freestanding surgical outpatient facility licensed under article 17, that is owned or operated by the physician and in which an elective abortion is performed.

(iii) A private physician practice, professional corporation, or freestanding surgical outpatient facility licensed under article 17, that employs or contracts with the physician to perform an elective abortion.

Sec. 2836. (1) All fetal remains resulting from abortions shall be disposed of by interment or cremation as those terms are defined in section 2 of the cemetery regulation act, 1968 PA 251, MCL 456.522, or by incineration by a person other than a cemetery registered under the cemetery regulation act, 1968 PA 251, MCL 456.521 to 456.543. Unless the mother has provided written consent for research on the fetal remains under section 2688, a physician who performs an abortion shall arrange for the final disposition of the fetal remains resulting from the abortion. Disposal of fetal remains resulting from an abortion may occur without the supervision of a funeral director.

(2) This section does not require a physician to discuss the final disposition of the fetal remains with the mother before performing the abortion, nor does it require a physician to obtain authorization from the mother for the final disposition of the fetal remains upon completion of the abortion.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.