

HOUSE BILL No. 6354

November 10, 2004, Introduced by Reps. Meisner, Kolb, Law, Gillard, Condino and Tobocman and referred to the Committee on Criminal Justice.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2685, 2687, 2688, and 16274 (MCL 333.2685,
333.2687, 333.2688, and 333.16274), section 16274 as added by
1998 PA 108.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2685. (1) A person shall not use a live ~~human~~
2 ~~embryo~~, fetus —, or neonate for nontherapeutic research if, in
3 the best judgment of the person conducting the research, based
4 upon the available knowledge or information at the approximate
5 time of the research, the research substantially jeopardizes the
6 life or health of the ~~embryo~~, fetus —, or neonate.
7 Nontherapeutic research shall not in any case be performed on ~~an~~
8 ~~embryo or~~ a fetus known by the person conducting the research to
9 be the subject of a planned abortion being performed for any

1 purpose other than to protect the life of the mother.

2 (2) For purposes of subsection (1), the ~~embryo or~~ fetus
3 shall be conclusively presumed not to be the subject of a planned
4 abortion if the mother signed a written statement at the time of
5 the research, that she was not planning an abortion.

6 Sec. 2687. ~~An embryo,~~ A fetus ~~,~~ or neonate is a live
7 ~~embryo,~~ fetus ~~,~~ or neonate for purposes of sections 2685 to
8 2691 if, in the best medical judgment of a physician, it shows
9 evidence of life as determined by the same medical standards as
10 are used in determining evidence of life in a spontaneously
11 aborted embryo or fetus at approximately the same stage of
12 gestational development.

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

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

21 (3) Written consent shall constitute lawful authorization for
22 the transfer of the dead ~~embryo,~~ fetus ~~,~~ or neonate to
23 medical research facilities.

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

27 Sec. 16274. (1) A licensee or registrant shall not engage

1 in or attempt to engage in human cloning.

2 (2) Subsection (1) does not prohibit scientific research or
3 cell-based therapies not specifically prohibited by that
4 subsection.

5 (3) A licensee or registrant who violates subsection (1) is
6 subject to the administrative penalties prescribed in sections
7 16221 and 16226 and to the civil penalty prescribed in section
8 16275.

9 (4) This section does not give a person a private right of
10 action.

11 (5) As used in this section:

12 (a) "Human cloning" means ~~the use of human~~ **creating or**
13 **attempting to create a human being by using the** somatic cell
14 nuclear transfer ~~technology to produce a human embryo~~ **procedure**
15 **for the purpose of, or to implant, the resulting product to**
16 **initiate a pregnancy that could result in the birth of a human**
17 **being.**

18 ~~(b) "Human embryo" means a human egg cell with a full~~
19 ~~genetic composition capable of differentiating and maturing into~~
20 ~~a complete human being.~~

21 **(b)** ~~(c)~~ "Human somatic cell" means a cell of a developing
22 or fully developed human being that is not and will not become a
23 sperm or egg cell.

24 **(c)** ~~(d)~~ "Human somatic cell nuclear transfer" means
25 transferring the nucleus of a human somatic cell into an egg cell
26 from which the nucleus has been removed or rendered inert.