

HOUSE BILL No. 4616

April 19, 2007, Introduced by Reps. Meisner, Byrnes, Alma Smith, Warren, Bauer, Hammon, Donigan, Farrah, Hopgood, Gillard, Coulouris, Tobocman, Clack, Robert Jones, Vagnozzi, Kathleen Law, Hammel, Gonzales, Polidori, Bennett, Miller, Young, Leland and Cushingberry and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2685 (MCL 333.2685).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

11 (2) For purposes of subsection (1), the embryo or fetus shall

1 be conclusively presumed not to be the subject of a planned
2 abortion if the mother signed a written statement at the time of
3 the research —that she was not planning an abortion.

4 (3) A PERSON MAY USE A LIVE HUMAN EMBRYO TO DERIVE STEM CELLS
5 FOR NONTHERAPEUTIC RESEARCH IF THOSE EMBRYOS WERE FROM EITHER OF
6 THE FOLLOWING SOURCES:

7 (A) THE EMBRYOS WERE CREATED FOR THE PURPOSE OF FERTILITY
8 TREATMENT, WERE IN EXCESS OF THE CLINICAL NEED OF THE INDIVIDUALS
9 SEEKING THE FERTILITY TREATMENT OR NOT SUITABLE FOR IMPLANTATION,
10 AND WERE DONATED BY THE IN VITRO FERTILIZATION CLINIC AS LONG AS
11 EACH OF THE FOLLOWING IS SATISFIED:

12 (i) PRIOR TO THE CONSIDERATION OF DONATING THE HUMAN EMBRYOS,
13 IT WAS DETERMINED THROUGH CONSULTATION WITH THE INDIVIDUALS SEEKING
14 FERTILITY TREATMENT THAT THE REMAINING, UNUSED, OR UNSUITABLE HUMAN
15 EMBRYOS WERE TO BE DISCARDED OR OTHERWISE DISPOSED OF.

16 (ii) THE INDIVIDUALS SEEKING FERTILITY TREATMENT DONATED THE
17 HUMAN EMBRYOS WITH WRITTEN INFORMED CONSENT AND WITHOUT RECEIVING
18 ANY FINANCIAL OR OTHER INDUCEMENTS TO MAKE THE DONATION OF THE
19 HUMAN EMBRYOS FOR NONTHERAPEUTIC RESEARCH.

20 (B) NOTWITHSTANDING SECTION 16274, THE UTILIZATION OF A
21 SOMATIC CELL NUCLEAR TRANSPLANTATION PROCEDURE WHICH WAS FOR THE
22 SOLE PURPOSE OF CREATING NUCLEAR TRANSFER BLASTOCYSTS FOR THE
23 EXTRACTION OF EMBRYONIC STEM CELLS. AS USED IN THIS SUBDIVISION,
24 "BLASTOCYST" MEANS AN EMBRYO THAT HAS DEVELOPED TO A STAGE WHERE IT
25 CONSISTS OF A SPHERE MADE UP OF AN OUTER LAYER OF CELLS, A FLUID-
26 FILLED CAVITY, AND AN INNER CELL MASS.