

PUBLIC HEALTH CODE (EXCERPT)

Act 368 of 1978

333.2685 Use of live human embryo, fetus, or neonate for nontherapeutic research; prohibitions; presumption.

(1) A person shall not use a live human embryo, fetus, or neonate for nontherapeutic research if, in the best judgment of the person conducting the research, based upon the available knowledge or information at the approximate time of the research, the research substantially jeopardizes the life or health of the embryo, fetus, or neonate. Nontherapeutic research shall not in any case be performed on an embryo or fetus known by the person conducting the research to be the subject of a planned abortion being performed for any purpose other than to protect the life of the mother. (2) For purposes of subsection (1) the embryo or fetus shall be conclusively presumed not to be the subject of a planned abortion if the mother signed a written statement at the time of the research, that she was not planning an abortion.

333.2686 Diagnostic, assessment, or treatment procedures not prohibited.

Sections 2685 to 2691 shall not prohibit or regulate diagnostic, assessment, or treatment procedures, the purpose of which is to determine the life or status or improve the health of the embryo, fetus, or neonate involved or the mother involved.

333.2687 Embryo, fetus, or neonate considered live.

An embryo, fetus, or neonate is a live embryo, fetus, or neonate for purposes of sections 2685 to 2691 if, in the best medical judgment of a physician, it shows evidence of life as determined by the same medical standards as are used in determining evidence of life in a spontaneously aborted embryo or fetus at approximately the same stage of gestational development.

333.2688 Research on dead embryo, fetus, or neonate; consent of mother; presumption; authorized transfer to medical research facilities; research standards.

- (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 shall not be 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 medical research facilities.
- (4) Research being performed upon a dead embryo, fetus, or neonate shall be conducted in accordance with the same standards applicable to research conducted pursuant to part 101.

333.2689 Abortion; consideration.

A person shall not perform or offer to perform an abortion where part or all of the consideration for the performance is that the embryo, or fetus, whether alive or dead, may be used for research or study.

333.2690 Sale, transfer, distribution, or giving away of embryo, fetus, or neonate.

A person shall not knowingly sell, transfer, distribute, or give away an embryo, fetus, or neonate for a use which is in violation of sections 2685 to 2689.

333.2691 Violation; penalty.

A person who violates sections 2685 to 2690 is guilty of a felony, punishable by imprisonment for not more than 5 years.

333.2692 “Nontherapeutic research” defined.

As used in sections 2685 to 2691, “nontherapeutic research” means scientific or laboratory research, or other kind of experimentation or investigation not designed to improve the health of the research subject.

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Popular Name: Act 368

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