

## **Bills Criminalizing Fetal Tissue Sales Clear Senate**

MIRS 4-27-16 Bills that make profiting from the body parts collected from an aborted embryo, fetus or neonate a five-year felony were passed out of the Senate today, despite Democratic objections that the legislation was repetitive and could harm research institutions.

[SB 0564](#) and its companion bill, [SB 0565](#), essentially place harsher punishments on the sale, distribution or transfer of fetal tissue and other materials from an aborted fetus. That action is already illegal, a fact Democrats harped on throughout Senate floor deliberations.

"It really draws the distinction that Michigan isn't going to allow fetal tissue to be sold, period," bill sponsor Sen. Phil [PAVLOV](#) (R-St. Clair) said.

Pavlov's office reported today there currently is no penalty for selling the tissue of an aborted fetus, so in addition to make the ban more comprehensive, there would be a penalty added for the first time.

As with any abortion-related legislation, debate quickly coalesced along partisan lines. Democrats tried to get amendments passed removing certain language or tie-barring the bills to others, including one that would allow women to get a full year's supply of birth control without repeat follow up prescriptions or additional pharmacy visits, but all failed.

With Detroit Public Schools' financial issues, the Flint water crisis and other problems plaguing the state, Sen. Coleman [YOUNG](#) II (D-Detroit) said it's a "waste of time" to further prohibit something that's already illegal, especially when it seems to be yet another restriction on women's bodies put forward and supported by conservatives.

Young sponsored a failed amendment to link the legislation to another bill mandating comprehensive and medically accurate sexual education be taught in schools.

"If you're two consenting adults and you want to do the horizontal hula, that's your business," Young said. "The government should not be getting involved in that."

Republican Sen. Tory [ROCCA](#) (R-Sterling Heights) joined the Democratic caucus in voting no, making the vote 26-10 on both bills.

Another concern on potential ramifications of Pavlov's bills came from universities and

research institutions, who argue the plan would restrict the use of fetal tissue to the extent that it could interfere with medical research by reducing access to new tissue and prevent scientists from studying cell behavior as it exists in the body.

Pavlov said it's unlikely that the legislation will have the chilling effect on research and the higher education community that Democrats claimed, suggesting the concerns could have been raised to make the bills "a wedge issue."

He said he has and will continue to have conversations with those concerned, but said those talks have not yet resulted in an agreeable compromise.

Pavlov also dismissed claims that his legislation has anything to do with his Congressional run in the 10th district.

"My track record of protecting the unborn in Michigan goes back probably before Candace **MILLER** was in Congress," he said.

The bills were initially introduced after last year's national outrage within the Right to Life community over a covert video showing Planned Parenthood employees discussing the sale of aborted body parts.

The [New York Times](#) reported in October that only two of Planned Parenthood's nearly 700 health centers nationwide participated in donating fetal tissue, and only one in California accepted reimbursement for those costs. But in an attempt to quell controversy, the national organization announced it would stop allowing the acceptance of reimbursement for supplying fetal tissue to researchers.

## Senate Passes Ban On Sale Of Fetal Tissue

Gongwer 4-27-16 Legislation drafted in response to a video last summer secretly filmed and edited by an anti-abortion group to attempt to show officials with Planned Parenthood discussing the sale and transport of fetal tissue from abortions was passed by the Senate on Wednesday.

Specifically, [SB 564](#) prohibits a person from knowingly financially benefiting from or receiving compensation from an embryo, fetus or neonate obtained from an elective abortion, including tissues, organs and cells. Its companion legislation, [SB 565](#) , makes a five-year felony for any individual convicted of such a crime in Michigan.

Both were passed on a 26-10 vote, with [Sen. Tory Rocca](#) (R-Sterling Heights) joining all Democrats in opposition. [Sen. Bert Johnson](#) (D-Highland Park) was absent from session.

The bills - as do most abortion-centric legislation - set off a firestorm of debate between Democrats and Republicans on whether the premise for the legislation itself was flawed,

particularly considering that the two individuals from the Center for Medical Progress - the anti-abortion group - who filmed and edited the video were actually indicted on felony charges of tampering with a governmental record.

[Sen. Patrick Colbeck](#) (R-Canton Township) defended those videos, which [Sen. Curtis Hertel Jr.](#) (D-East Lansing) responded was "offensive" since the videos "have been so debunked those people are now being prosecuted for lying and illegally taking those videos."

[Sen. Coleman Young II](#) (D-Detroit), speaking to reporters after session, said such a defense of the videos and Mr. Colbeck's earlier statement that only real way to prevent unintended pregnancies was to teach women abstinence was "disgusting."

"The government has no business telling anyone to encourage abstinence. I'm all for abstinence ... but if you're two consenting adults and you want to do the horizontal hula, that's your business, and the government should not be getting involved in that," he said.

There were several proposed amendments from Democrats, one by [Sen. Vincent Gregory](#) (D-Southfield) that struck out an amended section of the bill, another by Mr. Hertel tie-barring the bill to one that allows women to receive a 12-month supply of birth control from their doctors, and the third by Mr. Young tie-barring the legislation to a bill providing for sex education. All were defeated along party lines, though Mr. Rocca supported Mr. Hertel's and Mr. Young's amendments.

"This is a classic example of trying to solve a problem that doesn't exist and, instead, making things worse," Mr. Gregory said in his no-vote explanation. "(The bills) have the potential to suppress vital medical research. The use of fetal tissue for research is something that has been overwhelmingly supported by Michigan voters. In 2008, the voters approved an amendment to our state Constitution specifically authorizing the donation of fetal tissue for medical research. More than 2.5 million people voted for that amendment."

He said the legislation could "effectively end" such research and "be used to intimidate women who want their fetal tissue used for research."

[Sen. Phil Pavlov](#) (R-Saint Clair), sponsor of the legislation speaking to reporters after session, said he had worked with universities on language to which they might be more amicable, but the two groups never found agreement. He said arguments from Democrats that the bill would affect research "reflect a lot of misconceptions, and the promising research they've been talking about on embryonic stem cell research hasn't presented any true cures yet."

Mr. Pavlov acknowledged that human stem cell research does work, "but we're not going to put an embryo and a fetus in the way of that research," he said.

Many of the arguments against the legislation also centered on the fact that both federal and state law already prohibit what the bill attempts to ban, but Mr. Pavlov said his

legislation "really draws the distinction that Michigan isn't going to allow fetal tissue to be sold, period."

Mr. Young said that because laws already exist to prohibit such sales, passing this legislation was a waste of time and resources.

"The city of Detroit is on the verge of bankruptcy, I have two-year-old infants being shot and killed in my district, Flint still doesn't have clean water and we're trying to pass laws to prohibit something that's already illegal. Go figure," he said. "We have more important things to do here."

He alleged that Mr. Pavlov's legislation was politically driven since Mr. Pavlov is running to fill the 10th U.S. House District seat that has opened up as current [U.S. Rep. Candice Miller](#) (R-Harrison Township) retires from Congress.

"I understand this is congressional politics and people have political ambitions, and my good colleague Pavlov wants to go for higher office and I respect that ... but we cannot pass laws that are already illegal to advance that goal," Mr. Young said. "I think it's wrong. I think this is a waste of time for something that's already illegal."

Mr. Pavlov shot back that such a statement ought to be discounted on its surface.

"My track record in protecting the unborn in Michigan goes back long before probably Candice Miller was even in Congress," he said.

As to why this legislation ought to be considered amid other major problems across the state, Mr. Pavlov said, "We're capable of dealing with multiple issues at one time, and if you can find a more important issue than life, I'd like to know what that is."

**TELEHEALTH:** The chamber also passed, with unanimous approval, [SB 753](#) to provide for the regulation of telehealth in Michigan.

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