

## **Michigan Laws and Rules Relating to Human Subjects Research**

*Provided below is a list of Michigan laws and rules that may be pertinent to human subjects research.*

Michigan has no statute that broadly addresses human subjects research. Both the Michigan Mental Health Code and the Michigan Public Health Code, however, reference the protection of human subjects in research in specific contexts and state that such research should comply with the provisions of 45 C.F.R. Part 46.

### **Mental Health Code**

MCL §§ 330.1116 - 330.2004a

- This statute references the confidentiality of mental health patients whose information is used in outside research (it should be maintained, as a general matter), including mental health patients who are prisoners. (See 45 C.F.R. § 46.301(b).)

### **Public Health Code**

MCL §§ 333.1101 - 333.25211

- This broad statute is intended to protect and promote the public health. For purposes pertaining to research:
  - the statute states that information shared with the Department of Community Health in the conduct of a medical research project (including projects involving birth defects) is confidential (MCL §§ 333.2631 and 333.5721);
  - the statute prohibits the use of a live human embryo, fetus, or neonate for nontherapeutic research if the life of the embryo, fetus, or neonate is jeopardized by the research (MCL § 333.2685);
  - the statute states that research records pertaining to patients with HIV are confidential (MCL § 333.5131).

### **The Human Cloning Funding Prohibition Act**

MCL §§ 333.26401 - 333.26406

- This Act prohibits the expenditure of state funds for the purpose of human cloning. It does not prohibit the use of state funds for scientific research that does not involve the use of human somatic cell nuclear transfer technology to produce a human embryo.
- See also §§ 333-16274 and 333-16275 of the Michigan Public Health Code.

- See also § 750.430a of the Michigan Penal Code which states that a person who intentionally engages or attempts to engage in human cloning is guilty of a felony and faces imprisonment of up to 10 years and/or a fine of up to \$10,000,000.

### **Status of Minors and Child Support**

MCL §§ 722.1 - 722.6

- This statute defines minors as persons under 18 years of age. It also sets forth the circumstances that lead to the emancipation of a minor and states that emancipated minors have the right to consent to their own preventive healthcare.

### **Age of Majority Act of 1971**

MCL §§ 722.51 - 722.55

- This Act defines the age of majority and defines the duties, liabilities, responsibilities, rights and legal capacity of persons 18 or more years of age.

### **Child Protection Law**

MCL §§ 722.621 - 722.638

- With respect to research, this statute allows the Family Independence Agency to provide a person engaging in research pertaining to child abuse with information contained in the states central registry, on the understanding that the person receiving such information will not disclose identifying information without a family's prior consent.

### **Mental Health and Substance Abuse Services - Rules**

R330.1001-330.1059

- In these rules, the Michigan Department of Community Health states that research initiated, conducted, or supported by the Department must be subject to the administrative rules, department policies, and must follow federal guidelines.