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ELECTIVE ABORTIONS: OPTIONAL RIDER REIMBURSEMENT ONLY

House Bill 4983

Sponsor: Rep. Bob Brown

**Committee: Insurance and Financial
Services**

Complete to 10-14-99

A SUMMARY OF HOUSE BILL 4983 AS INTRODUCED 10-12-99

The bill would amend the Public Health Code to prohibit a health care professional or a health facility or agency from seeking or accepting reimbursement from an insurance company, health maintenance organization (HMO), or health care corporation (i.e., Blue Cross and Blue Shield of Michigan) for any services directly related to the performance of an elected abortion unless the reimbursement sought or accepted was from an optional rider covering elective abortions.

A licensee or registrant or a health facility or agency that violated the provision would be liable for a civil fine of up to \$10,000 per violation. The Department of Consumer and Industry Services would be required to investigate an alleged violation, and the attorney general, in cooperation with the department, could bring an action to enforce the provision.

(The bill's provisions are repeated. One set would amend Article 15, which begins at Section 16101 and addresses health care professionals. The second would amend Article 17, which begins at Section 20101, and addresses health care facilities and agencies.)

The bill states that it should not be construed to affect legitimate and routine obstetric care, diagnostic testing, or other non-abortion procedures. It also states that it does not create a right to abortion and specifies that, notwithstanding any of the bill's provisions, a person shall not perform an abortion that is prohibited by law.

The term "elective abortion" would mean the intentional use of an instrument, drug, or other substance or device to terminate a woman's pregnancy for a purpose other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus. The term would not include: 1) the prescription of or use of a drug or device intended as a contraceptive; or 2) the intentional use of an instrument, drug, or other substance or device by a physician to terminate a woman's pregnancy if the woman's physical condition, in the physician's reasonable medical judgment, necessitated the termination of the woman's pregnancy to avert her death.

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[Note: Three related bills would amend three health insurance-related statutes to specify that health insurers and similar entities could not provide coverage for elective abortions except as an optional rider selected by the individual. The bill would require that either 1) the individual pay an additional premium for the coverage; or 2) the individual consent in writing to the premium for the coverage being paid by a group purchaser.

House Bill 4828 would amend the Nonprofit Health Care Corporation Reform Act (MCL 550.1402c), which applies to Blue Cross and Blue Shield of Michigan. House Bill 4829 would amend the Public Health Code (MCL 333. 21053f) to apply to health maintenance organizations (HMOs). House Bill 4830 would amend the Insurance Code (MCL 500.3407b) to apply to commercial health insurance companies. Each bill would apply to both group and non-group coverage. The bills would apply to policies, certificates, and contracts issued or renewed after the effective date of the bills.]

MCL 333.16240 and 333.20195

Analyst: C. Couch

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.