

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 4828

(As passed the House, December 5, 2000)

A bill to amend 1980 PA 350, entitled  
"The nonprofit health care corporation reform act,"  
(MCL 550.1101 to 550.1704) by adding section 402d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 402D. (1) A HEALTH CARE CORPORATION GROUP OR NONGROUP  
2 CERTIFICATE SHALL NOT PROVIDE COVERAGE FOR ELECTIVE ABORTIONS  
3 EXCEPT BY AN OPTIONAL RIDER FOR WHICH AN ADDITIONAL PREMIUM HAS  
4 BEEN PAID BY THE PURCHASER.

5 (2) AN EMPLOYER MAY PURCHASE AN OPTIONAL RIDER TO PROVIDE  
6 COVERAGE FOR AN ELECTIVE ABORTION IF ALL OF THE FOLLOWING ARE  
7 MET:

8 (A) THE COST OF THE RIDER IS NOT FACTORED INTO ANY PREMIUM  
9 AMOUNT FOR WHICH INDIVIDUAL EMPLOYEES CONTRIBUTE A PORTION OF THE  
10 PREMIUM PAID EITHER DIRECTLY OR THROUGH A PAYROLL DEDUCTION.

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1 (B) THE EMPLOYER PROVIDES NOTICE TO EACH EMPLOYEE THAT  
2 ELECTIVE ABORTION WILL BE INCLUDED AS A RIDER TO HIS OR HER  
3 HEALTH BENEFITS AND THAT THE COVERAGE CAN BE USED BY A MINOR OR  
4 DEPENDENT FEMALE WITHOUT NOTICE TO THE EMPLOYEE.

5 (3) AS USED IN THIS SECTION:

6 (A) "ELECTIVE ABORTION" MEANS THE INTENTIONAL USE OF AN  
7 INSTRUMENT, DRUG, OR OTHER SUBSTANCE OR DEVICE TO TERMINATE A  
8 WOMAN'S PREGNANCY FOR A PURPOSE OTHER THAN TO INCREASE THE PROBA-  
9 BILITY OF A LIVE BIRTH, TO PRESERVE THE LIFE OR HEALTH OF THE  
10 CHILD AFTER LIVE BIRTH, OR TO REMOVE A DEAD FETUS. ELECTIVE  
11 ABORTION DOES NOT INCLUDE EITHER OF THE FOLLOWING:

12 (i) THE PRESCRIPTION OF OR USE OF A DRUG OR DEVICE INTENDED  
13 AS A CONTRACEPTIVE.

14 (ii) THE INTENTIONAL USE OF AN INSTRUMENT, DRUG, OR OTHER  
15 SUBSTANCE OR DEVICE BY A PHYSICIAN TO TERMINATE A WOMAN'S PREG-  
16 NANCY IF THE WOMAN'S PHYSICAL CONDITION, IN THE PHYSICIAN'S REA-  
17 SONABLE MEDICAL JUDGMENT, NECESSITATES THE TERMINATION OF THE  
18 WOMAN'S PREGNANCY TO AVERT HER DEATH.

19 (B) "PHYSICIAN" MEANS AN INDIVIDUAL LICENSED TO ENGAGE IN  
20 THE PRACTICE OF ALLOPATHIC MEDICINE OR THE PRACTICE OF OSTEO-  
21 PATHIC MEDICINE AND SURGERY UNDER ARTICLE 15 OF THE PUBLIC HEALTH  
22 CODE, 1978 PA 368, MCL 333.16101 TO 333.18838.

23 (4) THIS SECTION DOES NOT REQUIRE A HEALTH CARE CORPORATION  
24 OR EMPLOYER TO PROVIDE OR OFFER TO PROVIDE AN OPTIONAL RIDER FOR  
25 ELECTIVE ABORTION COVERAGE.

26 (5) THIS SECTION DOES NOT APPLY TO BENEFITS PROVIDED UNDER  
27 TITLE XIX OF THE SOCIAL SECURITY ACT, CHAPTER 531, 49 STAT. 620,

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1 42 U.S.C. 1396 TO 1396f, 1396g-1 TO 1396r-6, AND 1396r-8 TO  
2 1396v.

3 (6) THIS SECTION DOES NOT CREATE A RIGHT TO ABORTION.

4 (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A  
5 PERSON SHALL NOT PERFORM AN ABORTION THAT IS PROHIBITED BY LAW.

6 (8) THIS SECTION APPLIES TO CERTIFICATES ISSUED OR RENEWED  
7 IN THIS STATE AFTER THE EFFECTIVE DATE OF THIS SECTION.

8 Enacting section 1. This amendatory act takes effect July  
9 1, 2001.

Enacting section 2. This amendatory act does not take effect  
unless all of the following bills of the 90th Legislature are  
enacted into law:

- (a) Senate Bill No. 645.
- (b) Senate Bill No. 794.