

**SUBSTITUTE FOR  
SENATE BILL NO. 645**

A bill to amend 1956 PA 218, entitled  
"The insurance code of 1956,"  
(MCL 500.100 to 500.8302) by adding section 3407c.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 3407C. (1) AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR  
2 SURGICAL POLICY OR CERTIFICATE DELIVERED, ISSUED FOR DELIVERY, OR  
3 RENEWED IN THIS STATE AND A HEALTH MAINTENANCE ORGANIZATION GROUP  
4 OR INDIVIDUAL CONTRACT SHALL NOT PROVIDE COVERAGE FOR ELECTIVE  
5 ABORTIONS EXCEPT BY AN OPTIONAL RIDER FOR WHICH AN ADDITIONAL  
6 PREMIUM HAS BEEN PAID BY THE PURCHASER.

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

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

4       (B) THE EMPLOYER PROVIDES NOTICE TO EACH EMPLOYEE THAT ELEC-  
5 TIVE ABORTION WILL BE INCLUDED AS A RIDER TO HIS OR HER HEALTH  
6 COVERAGE AND THAT THE COVERAGE CAN BE USED BY A MINOR OR DEPENDENT  
7 FEMALE WITHOUT NOTICE TO THE EMPLOYEE.

8       (3) AS USED IN THIS SECTION:

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

15       (i) THE PRESCRIPTION OF OR USE OF A DRUG OR DEVICE INTENDED  
16 AS A CONTRACEPTIVE.

17       (ii) THE INTENTIONAL USE OF AN INSTRUMENT, DRUG, OR OTHER  
18 SUBSTANCE OR DEVICE BY A PHYSICIAN TO TERMINATE A WOMAN'S PREGNANCY  
19 IF THE WOMAN'S PHYSICAL CONDITION, IN THE PHYSICIAN'S REASONABLE  
20 MEDICAL JUDGMENT, NECESSITATES THE TERMINATION OF THE  
21 WOMAN'S PREGNANCY TO AVERT HER DEATH.

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

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1       (4) THIS SECTION DOES NOT REQUIRE AN INSURER, HEALTH  
2 MAINTENANCE ORGANIZATION, OR EMPLOYER TO PROVIDE OR OFFER TO  
3 PROVIDE AN OPTIONAL RIDER FOR ELECTIVE ABORTION COVERAGE.

4       (5) THIS SECTION DOES NOT APPLY TO BENEFITS PROVIDED UNDER  
5 TITLE XIX OF THE SOCIAL SECURITY ACT, CHAPTER 531, 49 STAT. 620,  
6 42 U.S.C. 1396 TO 1396f, 1396g-1 TO 1396r-6, AND 1396r-8 TO  
7 1396v.

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

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

11       (8) THIS SECTION APPLIES TO POLICIES, CERTIFICATES, OR CON-  
12 TRACTS DELIVERED, ISSUED FOR DELIVERY, OR RENEWED IN THIS STATE  
13 AFTER THE EFFECTIVE DATE OF THIS SECTION.

14       Enacting section 1. This amendatory act takes effect July  
15 1, 2001.