

STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 2000

**Introduced by Reps. Hager, Green, Vear, Voorhees, Garcia, Bishop, Tabor, Sanborn, Richardville,
DeWeese, Kuipers, Bradstreet, Gilbert, Hart, Julian, Patterson and Birkholz**

ENROLLED HOUSE BILL No. 4828

AN ACT to amend 1980 PA 350, entitled "An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts," (MCL 550.1101 to 550.1704) by adding section 402d.

The People of the State of Michigan enact:

Sec. 402d. (1) A health care corporation group or nongroup certificate shall not provide coverage for elective abortions except by an optional rider for which an additional premium has been paid by the purchaser.

(2) An employer may purchase an optional rider to provide coverage for an elective abortion if all of the following are met:

(a) The cost of the rider is not factored into any premium amount for which individual employees contribute a portion of the premium paid either directly or through a payroll deduction.

(b) The employer provides notice to each employee that elective abortion will be included as a rider to his or her health benefits and that the coverage can be used by a minor or dependent female without notice to the employee.

(3) As used in this section:

(a) "Elective abortion" means 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. Elective abortion does not include either of the following:

(i) The prescription of or use of a drug or device intended as a contraceptive.

(ii) 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, necessitates the termination of the woman's pregnancy to avert her death.

(b) "Physician" means an individual licensed to engage in the practice of allopathic medicine or the practice of osteopathic medicine and surgery under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(4) This section does not require a health care corporation or employer to provide or offer to provide an optional rider for elective abortion coverage.

(5) This section does not apply to benefits provided under title XIX of the social security act, chapter 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396f, 1396g-1 to 1396r-6, and 1396r-8 to 1396v.

(6) This section does not create a right to abortion.

(7) Notwithstanding any other provision of this section, a person shall not perform an abortion that is prohibited by law.

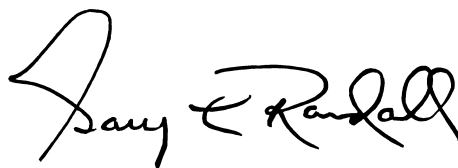
(8) This section applies to certificates issued or renewed in this state after the effective date of this section.

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

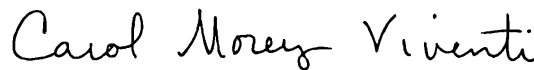
Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 90th Legislature are enacted into law:

(a) Senate Bill No. 645.

(b) Senate Bill No. 794.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.