

SENATE BILL NO. 646

June 10, 1999, Introduced by Senators HAMMERSTROM, HOFFMAN, DUNASKISS, EMMONS, SHUGARS, GOUGEON, HART, MC COTTER, JAYE, MILLER and KOIVISTO and referred to the Committee on Families, Mental Health and Human Services.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 402C. (1) A HEALTH CARE CORPORATION GROUP OR NONGROUP
2 CERTIFICATE SHALL NOT PROVIDE COVERAGE FOR ELECTIVE ABORTIONS
3 UNLESS ALL OF THE FOLLOWING ARE MET:

4 (A) THE MEMBER HAS INDIVIDUALLY SELECTED, BY OPTIONAL RIDER,
5 THE ELECTIVE ABORTION COVERAGE.

6 (B) AN ADDITIONAL PREMIUM FOR THE OPTIONAL ELECTIVE ABORTION
7 COVERAGE RIDER HAS BEEN PAID BY THE MEMBER OR THE MEMBER HAS
8 INDIVIDUALLY CONSENTED IN WRITING TO THE PREMIUM BEING PAID BY
9 THE GROUP PURCHASER OF COVERAGE.

10 (2) AS USED IN THIS SECTION:

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

7 (i) THE PRESCRIPTION OF OR USE OF A DRUG OR DEVICE INTENDED
8 AS A CONTRACEPTIVE.

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

14 (B) "MEMBER" MEANS THE INDIVIDUAL FOR WHOSE BENEFIT A HEALTH
15 CARE CORPORATION CERTIFICATE DESCRIBED IN SUBSECTION (1) HAS BEEN
16 ISSUED.

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

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

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

24 (5) THIS SECTION APPLIES TO CERTIFICATES ISSUED OR RENEWED
25 IN THIS STATE AFTER THE EFFECTIVE DATE OF THIS SECTION.