

SUBSTITUTE FOR
HOUSE BILL NO. 5880

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17515 (MCL 333.17515), as added by 1993 PA 133,
and by adding section 17015a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 17015A. (1) IF A PATIENT SCHEDULES AN APPOINTMENT FOR AN
2 ABORTION AFTER RECEIVING THE INFORMATION REQUIRED UNDER SECTION
3 17015(3), THE PHYSICIAN OR QUALIFIED PERSON ASSISTING THE PHYSICIAN
4 SHALL ENSURE THAT THE PATIENT'S REQUEST FOR AN ABORTION IS NOT THE
5 RESULT OF INTIMIDATION OR COERCION BY DOING BOTH OF THE FOLLOWING:
6 (A) PROVIDING THE PATIENT WITH A COPY OF THE NOTICE DESCRIBED
7 UNDER SUBSECTION (4) AND ORALLY INFORMING THE PATIENT THAT CERTAIN

1 ACTIONS TO PRESSURE A WOMAN INTO HAVING AN ABORTION ARE ILLEGAL AND
2 GROUNDS FOR A CIVIL ACTION, BUT CLARIFYING THAT DISCUSSIONS ABOUT
3 THE OPTIONS AVAILABLE, INCLUDING PERSONAL OR INTENSELY EMOTIONAL
4 EXPRESSIONS ABOUT SUCH OPTIONS, ARE NOT NECESSARILY COERCIVE AND
5 ILLEGAL.

6 (B) ASKING THE PATIENT IF THE PATIENT'S HUSBAND, PARENTS,
7 SIBLINGS, RELATIVES, OR EMPLOYER, THE FATHER OR PUTATIVE FATHER OF
8 THE FETUS, THE PARENTS OF THE FATHER OR PUTATIVE FATHER OF THE
9 FETUS, OR ANY OTHER INDIVIDUAL IN A POSITION OF AUTHORITY OVER THE
10 PATIENT HAS THREATENED, INTIMIDATED, OR COERCED HER INTO SEEKING AN
11 ABORTION AS PROHIBITED UNDER SECTION 15A OF THE MICHIGAN PENAL
12 CODE, 1931 PA 328, MCL 750.15A.

13 (2) IF A PATIENT INDICATES THAT SHE IS THE VICTIM OF
14 INTIMIDATION OR COERCION AS DESCRIBED UNDER SUBSECTION (1)(B), THE
15 PHYSICIAN OR QUALIFIED PERSON ASSISTING THE PHYSICIAN SHALL COMPLY
16 WITH THE PROTOCOLS ESTABLISHED BY THE DEPARTMENT PURSUANT TO
17 SECTION 17015(11).

18 (3) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (2), IF A
19 PATIENT WHO IS UNDER THE AGE OF 18 INDICATES THAT SHE IS THE VICTIM
20 OF INTIMIDATION OR COERCION, THE PHYSICIAN OR QUALIFIED PERSON
21 ASSISTING THE PHYSICIAN SHALL CONTACT A COUNTY CHILD PROTECTIVE
22 SERVICES AGENCY.

23 (4) A PRIVATE OFFICE, FREESTANDING SURGICAL OUTPATIENT
24 FACILITY, OR OTHER FACILITY OR CLINIC IN WHICH ABORTIONS ARE
25 PERFORMED SHALL POST IN A CONSPICUOUS PLACE IN AN AREA OF ITS
26 FACILITY THAT IS ACCESSIBLE TO PATIENTS, EMPLOYEES, AND VISITORS A
27 NOTICE STATING THAT IT IS ILLEGAL FOR ANYONE TO COERCE OR

1 INTIMIDATE A WOMAN INTO SEEKING AN ABORTION.

2 (5) IF A PATIENT STILL SEEKS AN ABORTION AFTER THE
3 REQUIREMENTS OF SUBSECTIONS (1), (2), AND (3), IF APPLICABLE, HAVE
4 BEEN FULFILLED, THE PHYSICIAN MAY, AFTER OBTAINING THE PATIENT'S
5 SIGNATURE ON THE ACKNOWLEDGMENT AND CONSENT FORM AS REQUIRED UNDER
6 SECTION 17015, PERFORM THE ABORTION.

7 (6) THIS SECTION DOES NOT CREATE A RIGHT TO ABORTION.
8 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A PERSON SHALL
9 NOT PERFORM AN ABORTION THAT IS PROHIBITED BY LAW.

10 Sec. 17515. A physician, before performing an abortion on a
11 patient, shall comply with ~~section~~ **SECTIONS 17015 AND 17015A.**

12 Enacting section 1. This amendatory act takes effect October
13 1, 2006.

14 Enacting section 2. This amendatory act does not take effect
15 unless all of the following bills of the 93rd Legislature are
16 enacted into law:

17 (a) House Bill No. 5879.

18 (b) House Bill No. 5881.

19 (c) House Bill No. 5882.

20 (d) House Bill No. 5883.