

HOUSE BILL No. 5880

March 16, 2006, Introduced by Reps. Mortimer, Vander Veen, Taub, Emmons and Amos and referred to the Committee on Judiciary.

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) INFORMING THE PATIENT THAT CERTAIN ACTIONS TO PRESSURE A
7 WOMAN INTO HAVING AN ABORTION ARE ILLEGAL, BUT CLARIFYING THAT
8 DISCUSSIONS ABOUT THE OPTIONS AVAILABLE, INCLUDING PERSONAL OR
9 INTENSELY EMOTIONAL EXPRESSIONS ABOUT SUCH OPTIONS, ARE NOT

1 NECESSARILY COERCIVE AND ILLEGAL.

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

9 (2) IF A PATIENT INDICATES THAT SHE IS THE VICTIM OF
10 INTIMIDATION OR COERCION AS DESCRIBED UNDER SUBSECTION (1)(B), THE
11 PHYSICIAN OR QUALIFIED PERSON ASSISTING THE PHYSICIAN SHALL DO EACH
12 OF THE FOLLOWING:

13 (A) PROVIDE THE PATIENT WITH INFORMATION ABOUT CONTACTING THE
14 LOCAL LAW ENFORCEMENT AGENCY WHERE SHE RESIDES AND ABOUT DOMESTIC
15 VIOLENCE SHELTERS OR SUPPORT ORGANIZATIONS AVAILABLE IN THE EVENT
16 OF ANY ACTUAL OR THREATENED PHYSICAL ABUSE OR VIOLENCE.

17 (B) INFORM THE PATIENT THAT THE INTIMIDATING OR COERCING OF
18 HER TO SEEK AN ABORTION IS GROUNDS FOR A CIVIL ACTION AND THAT SHE
19 MAY RECEIVE FINANCIAL COMPENSATION FOR HER DAMAGES.

20 (C) POSTPONE THE PERFORMANCE OF THE ABORTION FOR AT LEAST 24
21 HOURS AFTER THE EXPIRATION OF THE 24-HOUR PERIOD REQUIRED UNDER
22 SECTION 17015(3).

23 (3) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (2), IF A
24 PATIENT WHO IS UNDER THE AGE OF 18 INDICATES THAT SHE IS THE VICTIM
25 OF INTIMIDATION OR COERCION, THE PHYSICIAN OR QUALIFIED PERSON
26 ASSISTING THE PHYSICIAN SHALL CONTACT THE COUNTY CHILD PROTECTIVE
27 SERVICES AGENCY IN THE COUNTY WHERE THE PATIENT RESIDES.

1 (4) IF A PATIENT RETURNS TO THE PHYSICIAN SEEKING AN ABORTION
2 AFTER THE TIME PERIOD REQUIRED UNDER SUBSECTION (2) HAS LAPSED, THE
3 PHYSICIAN MAY, AFTER OBTAINING THE PATIENT'S SIGNATURE ON THE
4 ACKNOWLEDGMENT AND CONSENT FORM AS REQUIRED UNDER SECTION 17015,
5 PERFORM THE ABORTION.

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

8 Enacting section 1. This amendatory act does not take effect
9 unless all of the following bills of the 93rd Legislature are
10 enacted into law:

11 (a) Senate Bill No. _____ or House Bill No. 5882(request no.
12 03681'05).

13 (b) Senate Bill No. _____ or House Bill No. 5879(request no.
14 03683'05).