

Legislative Analysis



CRISIS PREGNANCY ORGANIZATIONS: REQUIRE INFORMED CONSENT PRIOR TO RENDERING SERVICES

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House Bill 5158

Sponsor: Rep. Mark Meadows

Committee: Judiciary

Complete to 9-8-09

A SUMMARY OF HOUSE BILL 5158 AS INTRODUCED 6-25-09

The bill would create a new act to do the following:

- Require a pregnancy crisis organization to obtain informed consent of a pregnant woman prior to providing services.
- Require disclosure and distribution of certain information to a pregnant woman, including, if requested, a list of medical clinics that provide abortion services.
- Allow a pregnant woman a cause of action to recover actual and punitive damages against a pregnancy crisis organization providing services in violation of the bill.

House Bill 5158 would create a new act to prohibit services from being provided to a pregnant woman by a crisis pregnancy organization (hereinafter *organization*) except with the voluntary and informed consent of the pregnant woman. This would apply to services performed by any person employed by, a volunteer at, or in any manner affiliated with a crisis pregnancy organization.

"Crisis pregnancy organization" would mean a nongovernmental, not-for-profit agency or organization that provides services and counseling to women who have unplanned or unwanted pregnancies.

Informed consent

To meet the standard for voluntary and informed consent in order to provide services, an organization would have to meet the following conditions:

- Employees, volunteers, and other affiliated persons would have to provide the pregnant woman, orally and in writing, with the following: (1) a medically accurate and objective explanation of the full range of available options, including abortion, parenting, and adoption; (2) medically accurate and objective information on the range of medical risks associated with abortion, pregnancy, and childbirth; and (3) that the pregnant woman has the right to obtain printed materials listing medical clinics and hospitals that provide abortion services. The term "medically accurate" would mean material verified or supported by research conducted in compliance with scientific methods and published in peer-review journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with relevant expertise in the field, such

as the American college of Obstetricians and Gynecologists or the American Gynecological and Obstetrical Society.

- If the pregnant woman inquired about pregnancy termination, abortion, or birth control services, the employees, volunteers, or affiliated persons would have to orally or in writing inform her that the organization does not provide information on how to obtain an abortion, abortion services, or birth control information.
- If requested by the pregnant woman, an organization would have to provide her with geographically indexed, printed materials containing a comprehensive list of the medical clinics and hospitals that provide abortion services.
- The pregnant woman would have to certify in writing – and the organization received a copy of the written certification – that the information described in the first bullet point had been provided to her and that she had been informed of her right to review the printed material containing the list of abortion providers.
- The organization would have to post prominently on its premises the following notice: *None of our services are provided by licensed medical professionals. We do not provide information on how to obtain an abortion, abortion services, or birth control information.*”
- The organization would have to distribute the prenatal care and parenting pamphlet prepared by the Department of Community Health under Section 9161 of the Public Health Code.

Civil action

A pregnant woman who received services from an employee, volunteer, or other affiliated person who knowingly provided those services in violation of the bill could bring an action against the organization for actual and punitive damages.

FISCAL IMPACT:

A fiscal analysis is in process.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.