

HOUSE BILL No. 5158

June 25, 2009, Introduced by Reps. Meadows, Bledsoe, Warren, Liss, Smith, Valentine, Byrnes, Lipton, Miller, Roberts, Donigan, Slavens, Hammel, Barnett, Kennedy, Lisa Brown, Bauer, Robert Jones, Gonzales, Haugh and Coulouris and referred to the Committee on Judiciary.

A bill to require that crisis pregnancy organizations obtain informed consent from women served by those organizations; and to provide remedies and prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Crisis pregnancy organization" means a nongovernmental
3 not-for-profit agency or organization that provides services and
4 counseling to women who have unplanned or unwanted pregnancies.

5 (b) "Medically accurate" means verified or supported by
6 research conducted in compliance with scientific methods and
7 published in peer-review journals, where appropriate, and
8 recognized as accurate and objective by professional organizations
9 and agencies with relevant expertise in the field, such as the
10 American college of obstetricians and gynecologists or the American
11 gynecological and obstetrical society.

1 Sec. 2. Services shall not be provided to a pregnant woman by
2 any person who is employed by, a volunteer at, or in any manner
3 affiliated with a crisis pregnancy organization except with the
4 voluntary and informed consent of the pregnant woman. Consent to
5 the provision of services from a crisis pregnancy organization is
6 voluntary and informed only if all of the following conditions are
7 met, before any services are provided:

8 (a) A person employed by, a volunteer at, or in any manner
9 affiliated with the crisis pregnancy organization provides the
10 pregnant woman with the following information, orally and in
11 writing:

12 (i) A medically accurate and objective explanation of the full
13 range of options available to the pregnant woman regarding her
14 pregnancy, including abortion, parenting, and adoption.

15 (ii) Medically accurate and objective information on the range
16 of medical risks associated with abortion, pregnancy, and
17 childbirth.

18 (iii) That the pregnant woman has the right to obtain printed
19 materials listing medical clinics and hospitals that provide
20 abortion services.

21 (b) If the pregnant woman inquires about pregnancy
22 termination, abortion, or birth control services, a person employed
23 by, a volunteer at, or in any manner affiliated with the crisis
24 pregnancy organization orally or in writing informs the pregnant
25 woman that the crisis pregnancy organization does not provide
26 information on how to obtain an abortion, abortion services, or
27 birth control information.

1 (c) If the pregnant woman so requests, a person employed by, a
2 volunteer at, or in any manner affiliated with the crisis pregnancy
3 organization provides her with geographically indexed, printed
4 materials that contain a comprehensive list of the medical clinics
5 and hospitals that provide abortion services.

6 (d) The pregnant woman certifies in writing that the
7 information described in subdivision (a) has been provided to her
8 and that she has been informed of her right to review the printed
9 materials described in subdivision (c).

10 (e) A person employed by, a volunteer at, or in any manner
11 affiliated with the crisis pregnancy organization receives a copy
12 of the certification required in subdivision (d).

13 (f) The following notice is posted prominently at the crisis
14 pregnancy organization: "None of our services are provided by
15 licensed medical professionals. We do not provide information on
16 how to obtain an abortion, abortion services, or birth control
17 information."

18 (g) The crisis pregnancy organization distributes the prenatal
19 care and parenting pamphlet prepared by the department of community
20 health under section 9161 of the public health code, 1978 PA 368,
21 MCL 333.9161.

22 Sec. 3. A pregnant woman who receives services from a person
23 employed by, a volunteer at, or in any manner affiliated with a
24 crisis pregnancy organization who knowingly provided those services
25 in violation of this act may maintain an action against the crisis
26 pregnancy organization for actual and punitive damages.