

SENATE BILL No. 137

February 5, 2013, Introduced by Senator JANSEN and referred to the Committee on Insurance.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
(MCL 500.100 to 500.8302) by adding section 3407c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3407C. (1) A QUALIFIED HEALTH PLAN OFFERED THROUGH AN
2 AMERICAN HEALTH BENEFIT EXCHANGE IN THIS STATE PURSUANT TO THE
3 PATIENT PROTECTION AND AFFORDABLE CARE ACT, PUBLIC LAW 111-148, AS
4 AMENDED BY THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF
5 2010, PUBLIC LAW 111-152, SHALL NOT PROVIDE COVERAGE FOR ELECTIVE
6 ABORTION. THIS SUBSECTION DOES NOT PROHIBIT AN INDIVIDUAL,
7 ORGANIZATION, OR EMPLOYER PARTICIPATING IN A QUALIFIED HEALTH PLAN
8 OFFERED THROUGH AN AMERICAN HEALTH BENEFIT EXCHANGE IN THIS STATE
9 FROM PURCHASING OPTIONAL SUPPLEMENTAL COVERAGE FOR ELECTIVE
10 ABORTION OUTSIDE OF THE EXCHANGE AS PROVIDED IN SUBSECTION (2).

1 (2) AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY
2 OR CERTIFICATE DELIVERED, ISSUED FOR DELIVERY, OR RENEWED IN THIS
3 STATE AND A HEALTH MAINTENANCE ORGANIZATION GROUP OR INDIVIDUAL
4 CONTRACT OFFERED OUTSIDE OF AN AMERICAN HEALTH BENEFIT EXCHANGE
5 SHALL NOT PROVIDE COVERAGE FOR ELECTIVE ABORTIONS EXCEPT BY AN
6 OPTIONAL RIDER FOR WHICH AN ADDITIONAL PREMIUM HAS BEEN PAID BY THE
7 PURCHASER.

8 (3) AN EMPLOYER MAY PURCHASE AN OPTIONAL RIDER TO PROVIDE
9 COVERAGE FOR AN ELECTIVE ABORTION IF THE EMPLOYER PROVIDES NOTICE
10 TO EACH EMPLOYEE THAT ELECTIVE ABORTION WILL BE INCLUDED AS A RIDER
11 TO HIS OR HER HEALTH COVERAGE AND THAT THE COVERAGE MAY BE USED BY
12 A COVERED DEPENDENT WITHOUT NOTICE TO THE EMPLOYEE.

13 (4) THIS SECTION DOES NOT REQUIRE AN INSURER, HEALTH
14 MAINTENANCE ORGANIZATION, OR EMPLOYER TO PROVIDE OR OFFER TO
15 PROVIDE AN OPTIONAL RIDER FOR ELECTIVE ABORTION COVERAGE.

16 (5) THIS SECTION DOES NOT APPLY TO BENEFITS PROVIDED UNDER
17 TITLE XIX OF THE SOCIAL SECURITY ACT, 42 USC 1396 TO 1396W-5.

18 (6) THIS SECTION DOES NOT CREATE A RIGHT TO ABORTION.

19 (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A
20 PERSON SHALL NOT PERFORM AN ABORTION THAT IS PROHIBITED BY LAW.

21 (8) THIS SECTION APPLIES TO POLICIES, CERTIFICATES, OR
22 CONTRACTS DELIVERED, ISSUED FOR DELIVERY, OR RENEWED IN THIS STATE
23 ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION.

24 (9) AS USED IN THIS SECTION:

25 (A) "ELECTIVE ABORTION" MEANS THE INTENTIONAL USE OF AN
26 INSTRUMENT, DRUG, OR OTHER SUBSTANCE OR DEVICE TO TERMINATE A
27 WOMAN'S PREGNANCY FOR A PURPOSE OTHER THAN TO INCREASE THE

1 PROBABILITY OF A LIVE BIRTH, TO PRESERVE THE LIFE OR HEALTH OF THE
2 CHILD AFTER LIVE BIRTH, OR TO REMOVE A DEAD FETUS. ELECTIVE
3 ABORTION DOES NOT INCLUDE EITHER OF THE FOLLOWING:

4 (i) THE PRESCRIPTION OF OR USE OF A DRUG OR DEVICE INTENDED AS
5 A CONTRACEPTIVE.

6 (ii) THE INTENTIONAL USE OF AN INSTRUMENT, DRUG, OR OTHER
7 SUBSTANCE OR DEVICE BY A PHYSICIAN TO TERMINATE A WOMAN'S PREGNANCY
8 IF THE WOMAN'S PHYSICAL CONDITION, IN THE PHYSICIAN'S REASONABLE
9 MEDICAL JUDGMENT, NECESSITATES THE TERMINATION OF THE WOMAN'S
10 PREGNANCY TO AVERT HER DEATH.

11 (B) "PHYSICIAN" MEANS AN INDIVIDUAL LICENSED OR OTHERWISE
12 AUTHORIZED TO ENGAGE IN THE PRACTICE OF MEDICINE OR THE PRACTICE OF
13 OSTEOPATHIC MEDICINE AND SURGERY UNDER ARTICLE 15 OF THE PUBLIC
14 HEALTH CODE, 1978 PA 368, MCL 333.16101 TO 333.18838.

15 (C) "QUALIFIED HEALTH PLAN" MEANS THAT TERM AS DEFINED IN
16 SECTION 1301 OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT,
17 PUBLIC LAW 111-148.