

SENATE BILL No. 138

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

A bill to amend 1980 PA 350, entitled
"The nonprofit health care corporation reform act,"
(MCL 550.1101 to 550.1704) by adding section 402d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 402D. (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) A HEALTH CARE CORPORATION GROUP OR NONGROUP CERTIFICATE
2 OFFERED OUTSIDE OF AN AMERICAN HEALTH BENEFIT EXCHANGE SHALL NOT
3 PROVIDE COVERAGE FOR ELECTIVE ABORTIONS EXCEPT BY AN OPTIONAL RIDER
4 FOR WHICH AN ADDITIONAL PREMIUM HAS BEEN PAID BY THE PURCHASER.

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

10 (4) THIS SECTION DOES NOT REQUIRE A HEALTH CARE CORPORATION OR
11 EMPLOYER TO PROVIDE OR OFFER TO PROVIDE AN OPTIONAL RIDER FOR
12 ELECTIVE ABORTION COVERAGE.

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

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

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

18 (8) THIS SECTION APPLIES TO CERTIFICATES ISSUED OR RENEWED IN
19 THIS STATE ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION.

20 (9) AS USED IN THIS SECTION:

21 (A) "ELECTIVE ABORTION" MEANS THE INTENTIONAL USE OF AN
22 INSTRUMENT, DRUG, OR OTHER SUBSTANCE OR DEVICE TO TERMINATE A
23 WOMAN'S PREGNANCY FOR A PURPOSE OTHER THAN TO INCREASE THE
24 PROBABILITY OF A LIVE BIRTH, TO PRESERVE THE LIFE OR HEALTH OF THE
25 CHILD AFTER LIVE BIRTH, OR TO REMOVE A DEAD FETUS. ELECTIVE
26 ABORTION DOES NOT INCLUDE EITHER OF THE FOLLOWING:

27 (i) THE PRESCRIPTION OF OR USE OF A DRUG OR DEVICE INTENDED AS

1 A CONTRACEPTIVE.

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

7 (B) "QUALIFIED HEALTH PLAN" MEANS THAT TERM AS DEFINED IN
8 SECTION 1301 OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT,
9 PUBLIC LAW 111-148.

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