

SENATE BILL No. 139

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

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 16240 and 20195.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16240. (1) A LICENSEE OR REGISTRANT SHALL NOT SEEK OR
2 ACCEPT REIMBURSEMENT FROM A QUALIFIED HEALTH PLAN; AN EXPENSE-
3 INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY OR CERTIFICATE; A
4 HEALTH MAINTENANCE ORGANIZATION GROUP OR INDIVIDUAL CONTRACT; OR A
5 HEALTH CARE CORPORATION GROUP OR NONGROUP CERTIFICATE FOR ANY
6 SERVICES PROVIDED THAT ARE DIRECTLY RELATED TO THE PERFORMANCE OF
7 AN ELECTIVE ABORTION UNLESS THE REIMBURSEMENT SOUGHT OR ACCEPTED IS
8 FROM AN OPTIONAL RIDER PROVIDED UNDER EITHER OF THE FOLLOWING:

9 (A) SECTION 3407C OF THE INSURANCE CODE OF 1956, 1956 PA 218,
10 MCL 500.3407C.

11 (B) SECTION 402D OF THE NONPROFIT HEALTH CARE CORPORATION

1 REFORM ACT, 1980 PA 350, MCL 550.1402D.

2 (2) THIS SECTION DOES NOT AFFECT LEGITIMATE AND ROUTINE
3 OBSTETRIC CARE, DIAGNOSTIC TESTING, OR OTHER NONABORTION
4 PROCEDURES.

5 (3) IN ADDITION TO THE ADMINISTRATIVE PENALTIES PRESCRIBED IN
6 SECTION 16226, A LICENSEE OR REGISTRANT WHO VIOLATES THIS SECTION
7 IS LIABLE FOR A CIVIL FINE OF UP TO \$10,000.00 PER VIOLATION. THE
8 DEPARTMENT SHALL INVESTIGATE AN ALLEGED VIOLATION OF THIS SECTION,
9 AND THE ATTORNEY GENERAL, IN COOPERATION WITH THE DEPARTMENT, MAY
10 BRING AN ACTION TO ENFORCE THIS SECTION.

11 (4) THIS SECTION DOES NOT RESTRICT THE RIGHT OF A LICENSEE OR
12 REGISTRANT TO DISCUSS ABORTION OR ABORTION SERVICES WITH A PATIENT
13 WHO IS PREGNANT.

14 (5) THIS SECTION DOES NOT CREATE A RIGHT TO AN ABORTION.

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

17 (7) AS USED IN THIS SECTION:

18 (A) "ELECTIVE ABORTION" MEANS THAT TERM AS DEFINED IN SECTION
19 3407C OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3407C, OR
20 SECTION 402D OF THE NONPROFIT HEALTH CARE CORPORATION REFORM ACT,
21 1980 PA 350, MCL 550.1402D.

22 (B) "QUALIFIED HEALTH PLAN" MEANS A HEALTH PLAN OFFERED
23 THROUGH AN AMERICAN HEALTH BENEFIT EXCHANGE AS DESCRIBED IN SECTION
24 3407C OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3407C, OR
25 SECTION 402D OF THE NONPROFIT HEALTH CARE CORPORATION REFORM ACT,
26 1980 PA 350, MCL 550.1402D.

27 SEC. 20195. (1) A HEALTH FACILITY OR AGENCY SHALL NOT SEEK OR

1 ACCEPT REIMBURSEMENT FROM A QUALIFIED HEALTH PLAN; AN EXPENSE-
2 INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY OR CERTIFICATE; A
3 HEALTH MAINTENANCE ORGANIZATION GROUP OR INDIVIDUAL CONTRACT; OR A
4 HEALTH CARE CORPORATION GROUP OR NONGROUP CERTIFICATE FOR ANY
5 SERVICES PROVIDED THAT ARE DIRECTLY RELATED TO THE PERFORMANCE OF
6 AN ELECTIVE ABORTION UNLESS THE REIMBURSEMENT SOUGHT OR ACCEPTED IS
7 FROM AN OPTIONAL RIDER PROVIDED UNDER EITHER OF THE FOLLOWING:

8 (A) SECTION 3407C OF THE INSURANCE CODE OF 1956, 1956 PA 218,
9 MCL 500.3407C.

10 (B) SECTION 402D OF THE NONPROFIT HEALTH CARE CORPORATION
11 REFORM ACT, 1980 PA 350, MCL 550.1402D.

12 (2) THIS SECTION DOES NOT AFFECT LEGITIMATE AND ROUTINE
13 OBSTETRIC CARE, DIAGNOSTIC TESTING, OR OTHER NONABORTION
14 PROCEDURES.

15 (3) A HEALTH FACILITY OR AGENCY THAT VIOLATES THIS SECTION IS
16 LIABLE FOR A CIVIL FINE OF UP TO \$10,000.00 PER VIOLATION. THE
17 DEPARTMENT SHALL INVESTIGATE AN ALLEGED VIOLATION OF THIS SECTION,
18 AND THE ATTORNEY GENERAL, IN COOPERATION WITH THE DEPARTMENT, MAY
19 BRING AN ACTION TO ENFORCE THIS SECTION.

20 (4) THIS SECTION DOES NOT RESTRICT THE RIGHT OF A HEALTH CARE
21 PROFESSIONAL OR OTHER HEALTH FACILITY OR AGENCY EMPLOYEE TO DISCUSS
22 ABORTION OR ABORTION SERVICES WITH A PATIENT WHO IS PREGNANT.

23 (5) THIS SECTION DOES NOT CREATE A RIGHT TO AN ABORTION.

24 (6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A
25 PERSON SHALL NOT PERFORM AN ABORTION THAT IS PROHIBITED BY LAW.

26 (7) AS USED IN THIS SECTION:

27 (A) "ELECTIVE ABORTION" MEANS THAT TERM AS DEFINED IN SECTION

1 3407C OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3407C, OR
2 SECTION 402D OF THE NONPROFIT HEALTH CARE CORPORATION REFORM ACT,
3 1980 PA 350, MCL 550.1402D.

4 (B) "QUALIFIED HEALTH PLAN" MEANS A HEALTH PLAN OFFERED
5 THROUGH AN AMERICAN HEALTH BENEFIT EXCHANGE AS DESCRIBED IN SECTION
6 3407C OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3407C, OR
7 SECTION 402D OF THE NONPROFIT HEALTH CARE CORPORATION REFORM ACT,
8 1980 PA 350, MCL 550.1402D.

9 Enacting section 1. This amendatory act takes effect January
10 1, 2014.

11 Enacting section 2. This amendatory act does not take effect
12 unless all of the following bills of the 97th Legislature are
13 enacted into law:

14 (a) Senate Bill No. 137.

15
16 (b) Senate Bill No. 138.