

SENATE BILL No. 451

June 14, 2017, Introduced by Senators WARREN, GREGORY, HOPGOOD, HERTEL,
ANANICH, CONYERS and KNEZEK and referred to the Committee on Health Policy.

A bill to define certain rights of women regarding abortions;
to prevent the enforcement of laws and administrative rules that
place a burden on a woman's access to abortion; to provide for the
powers and duties of certain state and local governmental officers
and entities; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "whole
2 woman's health act".

3 Sec. 3. (1) A woman has a fundamental right to choose to
4 obtain an abortion.

5 (2) This state shall not prohibit a woman from obtaining any
6 of the following:

7 (a) An abortion before viability.

8 (b) An abortion at any time throughout the woman's pregnancy

1 if, in a physician's professional judgment, terminating the woman's
2 pregnancy is necessary to protect the woman's life or health.

3 Sec. 5. (1) A law or administrative rule of this state
4 regulating abortion that places a burden on a woman's access to
5 abortion is unenforceable if the law or administrative rule does
6 not confer a legitimate health benefit.

7 (2) As used in this section:

8 (a) "Confer a legitimate health benefit" means 1 or more of
9 the following:

10 (i) Expand a woman's access to a health care service.

11 (ii) Increase a patient's safety according to evidence-based
12 research.

13 (b) "Places a burden on a woman's access to abortion" means 1
14 or more of the following:

15 (i) Forces an abortion provider to close.

16 (ii) Increases the time a woman must wait to have an abortion.

17 (iii) Requires a meaningful increase in the distance a woman
18 must travel to access care.

19 (iv) Requires medically unnecessary health center visits.

20 (v) Requires a health care provider to perform a medical
21 service that the health care provider would not otherwise perform.

22 (vi) Increases the risk to a woman's health.

23 (vii) Causes a meaningful increase in procedure cost.

24 (viii) Has no purpose other than to stigmatize a patient and
25 an abortion provider.

26 (ix) Has no purpose or effect other than to decrease or
27 eliminate a woman's access to abortion.

1 Sec. 7. A person alleging that a state or local official is
2 enforcing a law enacted or an administrative rule promulgated after
3 the effective date of this act that violates section 3 or 5 may
4 bring a civil action for appropriate injunctive relief or damages,
5 or both.

6 Enacting section 1. This act takes effect 90 days after the
7 date it is enacted into law.