

HOUSE BILL No. 5941

May 25, 2004, Introduced by Reps. Sheen, Brandenburg, Drolet, Garfield, Rocca, Kooiman, Caul, Stahl, Bradstreet, Hart, Vander Veen, DeRoche, Milosch, Shackleton, Huizenga, Palsrok, Tabor, Robertson, Wenke, Shaffer, Casperson, Hoogendyk, Farhat, Koetje, O'Neil, Sheltroun, Rivet, Spade and Richardville 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 health care corporation group or nongroup
2 certificate shall not provide coverage for elective abortions
3 except by an optional rider for which an additional premium has
4 been paid by the purchaser.

5 (2) An employer may purchase an optional rider to provide
6 coverage for an elective abortion if all of the following are
7 met:

8 (a) The cost of the rider is not factored into any premium
9 amount for which individual employees contribute a portion of the
10 premium paid either directly or through a payroll deduction.

11 (b) The employer provides notice to each employee that

1 elective abortion will be included as a rider to his or her
2 health coverage and that the coverage can be used by a minor or
3 dependent female without notice to the employee.

4 (3) This section does not require a health care corporation
5 or employer to provide or offer to provide an optional rider for
6 elective abortion coverage.

7 (4) This section does not apply to benefits provided under
8 title XIX of the social security act, 42 USC 1396 to 1396v.

9 (5) This section does not create a right to abortion.

10 (6) Notwithstanding any other provision of this section, a
11 person shall not perform an abortion that is prohibited by law.

12 (7) This section applies to certificates issued or renewed in
13 this state on and after the effective date of this section.

14 (8) As used in this section:

15 (a) "Elective abortion" means the intentional use of an
16 instrument, drug, or other substance or device to terminate a
17 woman's pregnancy for a purpose other than to increase the
18 probability of a live birth, to preserve the life or health of
19 the child after live birth, or to remove a dead fetus. Elective
20 abortion does not include either of the following:

21 (i) The prescription of or use of a drug or device intended
22 as a contraceptive.

23 (ii) The intentional use of an instrument, drug, or other
24 substance or device by a physician to terminate a woman's
25 pregnancy if the woman's physical condition, in the physician's
26 reasonable medical judgment, necessitates the termination of the
27 woman's pregnancy to avert her death.

1 (b) "Physician" means an individual licensed to engage in the
2 practice of allopathic medicine or the practice of osteopathic
3 medicine and surgery under article 15 of the public health code,
4 1978 PA 368, MCL 333.16101 to 333.18838.

5 Enacting section 1. This amendatory act takes effect
6 January 1, 2005.