

**SENATE BILL NO. 1085**

April 28, 1998, Introduced by Senator JAYE and referred to the  
Committee on Families, Mental Health and Human Services.

A bill to prohibit the expenditure of public funds by the  
state civil service commission and the office of the state  
employer in the department of civil service for abortions; and to  
prescribe penalties for a violation of this act.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act shall be known and may be cited as the  
2 "taxpayer-funded abortion services for state civil service  
3 employees prohibition act".

4       Sec. 2. As used in this act:

5       (a) "Abortion" means the intentional use of an instrument,  
6 drug, or other substance or device to terminate a woman's preg-  
7 nancy for a purpose other than to increase the probability of a  
8 live birth, to preserve the life and health of the child after  
9 live birth, or to remove a dead fetus. Abortion does not include

1 the use or prescription of a drug or device intended as a  
2 contraceptive.

3 (b) "Civil service commission" means the civil service com-  
4 mission created by section 5 of article XI of the state constitu-  
5 tion of 1963.

6 (c) "Health facility" means a health facility or agency  
7 licensed under article 17 of the public health code, 1978 PA 368,  
8 MCL 333.20101 to 333.22260.

9 (d) "Health professional" means an individual licensed or  
10 registered under article 15 of the public health code, 1978 PA  
11 368, MCL 333.16101 to 333.18838.

12 Sec. 3. (1) Unless otherwise provided under a collective  
13 bargaining agreement in effect as of the effective date of this  
14 act, the civil service commission shall not allow the expenditure  
15 of public funds to provide health care coverage or benefits for  
16 employees in the classified service or their dependents that pro-  
17 vide for either of the following:

18 (a) Abortion services, except abortion services for sponta-  
19 neous abortion or to prevent the death of the woman upon whom the  
20 abortion is performed.

21 (b) Any other service that is not billed as an abortion  
22 service, but is in fact directly related to the performance of an  
23 abortion.

24 (2) The civil service commission or the office of state  
25 employer in the department of civil service shall not approve a  
26 collective bargaining agreement that includes health care  
27 coverage or benefits that provide for a service described in

1 subsection (1). This subsection does not prohibit a health care  
2 coverage or benefits program that provides for an employee-paid  
3 rider providing coverage or benefits for abortion services for an  
4 individual employee electing and paying for that coverage or ben-  
5 efit if the employee-paid rider is elected and paid for on an  
6 individual basis and not as a result of a vote of the employees  
7 or a group of employees.

8       Sec. 4. (1) A health professional or a health facility  
9 shall not seek or accept reimbursement for the performance of an  
10 abortion knowing that public funds will be or have been used in  
11 whole or in part for the reimbursement in violation of section  
12 3.

13       (2) A health professional or health facility that violates  
14 subsection (1) is liable for a civil fine of up to \$10,000.00 per  
15 violation. The attorney general may bring an action to enforce  
16 this section.

17       (3) This section does not restrict the right of a health  
18 professional to discuss abortion or abortion services with a  
19 patient who is pregnant.

20       (4) This section does not create a right to an abortion.

21       (5) Notwithstanding any other provision of this section, a  
22 person shall not perform an abortion that is prohibited by law.

23       Sec. 5. If a portion of this act or the application of this  
24 act to a person or circumstance is found invalid by a court, the  
25 invalidity does not affect the remaining portions or applications  
26 of this act that can be given effect without the invalid portion  
27 or application, if the remaining portions are not determined by

1 the court to be inoperable, and to this end, this act is  
2 severable.

3       Enacting section 1. This act does not take effect unless  
4 Senate Bill No. 1060  
5                           of the 89th Legislature is enacted into law.