

SUBSTITUTE FOR  
HOUSE BILL NO. 4600

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 2835 (MCL 333.2835).

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

1       Sec. 2835. (1) As used in this section ~~"abortion" means~~  
2 ~~the purposeful induced termination of a human pregnancy.~~ AND  
3 SECTION 2837:

4       (A) "ABORTION" MEANS THAT TERM AS DEFINED IN SECTION 17015.

5       (B) "PHYSICAL COMPLICATION" MEANS A PHYSICAL CONDITION  
6 OCCURRING DURING OR AFTER AN ABORTION THAT, UNDER GENERALLY  
7 ACCEPTED STANDARDS OF MEDICAL PRACTICE, REQUIRES MEDICAL  
8 ATTENTION. PHYSICAL COMPLICATION INCLUDES, BUT IS NOT LIMITED  
9 TO, INFECTION, HEMORRHAGE, CERVICAL LACERATION, OR PERFORATION OF  
10 THE UTERUS.

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1 (2) A physician who performs an abortion shall report the  
2 performance of that procedure to the department on forms  
3 prescribed and provided by the department. ~~The reports shall be~~

4 ~~transmitted~~ A PHYSICIAN SHALL TRANSMIT A REPORT REQUIRED UNDER  
5 THIS SUBSECTION to the director ~~within 7~~ NOT LESS THAN 30 days  
6 BUT NOT MORE THAN 60 DAYS after the performance of the abortion.

7 (3) Each report of an abortion REQUIRED UNDER SUBSECTION (2)  
8 shall contain only the following information and no other  
9 information:

10 (a) The age of the woman at the time of the abortion.

11 (b) The marital status of the woman at the time of the  
12 abortion.

13 (c) The city or township, county, and state in which the  
14 woman resided at the time of the abortion.

15 (d) The location and type of facility in which the abortion  
16 was performed.

17 (e) The source of referral to the physician performing the  
18 abortion.

19 (f) The number of previous pregnancies carried to term.

20 (g) The number of previous pregnancies ending in  
21 ~~miscarriage or~~ spontaneous abortion.

22 (h) The number of previous pregnancies terminated by  
23 abortion.

24 (i) The METHOD USED BEFORE THE ABORTION TO CONFIRM THE PREG-  
25 NANCY, THE period of gestation in weeks of the present pregnancy,  
26 and the first day of the last menstrual period.

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1 (j) The method used to perform the abortion.  
2 (k) The weight of the embryo or fetus, if determinable.  
3 (l) THE TYPE OF DIAGNOSTIC OR GENETIC TESTING OR SCREENING,  
4 IF ANY, PERFORMED UPON THE WOMAN OR FETUS BY THE PHYSICIAN OR BY  
5 ANOTHER LICENSED HEALTH PROFESSIONAL BEFORE THE ABORTION.

6 (M) ~~-(l)-~~ Whether the fetus showed evidence of life when  
7 separated, expelled, or removed from the woman.

8 (N) ~~-(m)-~~ The date of performance of the abortion.

9 (O) THE METHOD AND SOURCE OF PAYMENT FOR THE ABORTION.

10 (P) ~~-(n)- The immediate complications of the abortion~~  
11 ~~procedure~~ A PHYSICAL COMPLICATION OR DEATH RESULTING FROM THE  
12 ABORTION AND OBSERVED BY THE PHYSICIAN OR REPORTED TO THE PHYSI-  
13 CIAN OR HIS OR HER AGENT BEFORE THE REPORT REQUIRED UNDER  
14 SUBSECTION (2) IS TRANSMITTED TO THE DIRECTOR.

15 (Q) ~~-(o)-~~ The physician's signature and his OR HER state  
16 license number.

17 (4) The report REQUIRED UNDER SUBSECTION (2) shall not con-  
18 tain the name of the woman, common identifiers such as HER social  
19 security NUMBER or ~~drivers~~ MOTOR VEHICLE OPERATOR'S license  
20 ~~numbers~~ NUMBER or other information or identifiers that would  
21 make it possible to identify in any manner or under any circum-  
22 stances an individual who has obtained or seeks to obtain an  
23 abortion. A state agency shall not compare data in an ELECTRONIC  
24 OR OTHER information system file with data in another ~~computer~~  
25 ELECTRONIC OR OTHER INFORMATION system ~~which~~ THAT would result  
26 in identifying in any manner or under any circumstances an  
27 individual obtaining or seeking to obtain an abortion.

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1 Statistical information ~~which~~ THAT may reveal the identity of a  
2 woman obtaining or seeking to obtain an abortion shall not be  
3 maintained.

4 (5) The department shall destroy ~~the~~ EACH individual  
5 ~~reports~~ REPORT required by this section and ~~any copies~~ EACH  
6 COPY of the ~~records~~ REPORT after retaining ~~them~~ THE REPORT  
7 for 5 years AFTER THE DATE THE REPORT IS RECEIVED.

8 (6) The department shall make available annually in aggre-  
9 gate a statistical report summarizing the information submitted  
10 in ~~the~~ EACH individual ~~reports~~ REPORT required by this  
11 section. THE DEPARTMENT SHALL SPECIFICALLY SUMMARIZE AGGREGATE  
12 DATA REGARDING ALL OF THE FOLLOWING IN THE ANNUAL STATISTICAL  
13 REPORT:

14 (A) THE PERIOD OF GESTATION IN 4-WEEK INTERVALS FROM 5 WEEKS  
15 THROUGH 28 WEEKS.

16 (B) ABORTIONS PERFORMED ON WOMEN AGED 17 AND UNDER.

17 (C) PHYSICAL COMPLICATIONS REPORTED UNDER SUBSECTION (3)(P)  
18 AND SECTION 2837.

19 (7) The reports required under this section are statistical  
20 reports to be used only for medical and health purposes and shall  
21 not be incorporated into the permanent official records of the  
22 system of vital statistics.

23 (8) The department or ~~any~~ AN employee of the department  
24 shall not disclose to ~~any~~ A person OR ENTITY outside the  
25 department ~~—~~ the reports or the contents of the reports  
26 required by this section in ~~any~~ A manner or fashion so as to  
27 permit the person or entity to whom the report is disclosed to

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1 identify in any way the person ~~about whom the report concerns~~

2 WHO IS THE SUBJECT OF THE REPORT.

3 (9) A person who discloses confidential IDENTIFYING informa-

4 tion in violation of ~~sections 2834-2835~~ THIS SECTION, SECTION

5 2834, OR SECTION 2837 is guilty of a felony, punishable by

6 imprisonment for not more than 3 years, or a fine of not more

7 than \$5,000.00, or both. ~~, and if the person is an employee of~~

8 ~~the department shall be subject to immediate dismissal.~~

9 Enacting section 1. This amendatory act does not take

10 effect unless House Bill No. 4601 of the 90th Legislature is

11 enacted into law.