

HOUSE BILL No. 4600

April 29, 1999, Introduced by Reps. Bisbee, Tabor, Birkholz, Middaugh, Faunce, Cassis, Vear, Kukuk, DeWeese, Caul, Law, Geiger, Ehardt, Voorhees, Kuipers, Rocca, Gosselin, Patterson, Howell, O'Neil, Bob Brown, DeRossett, Pumford, Mans, Shackleton, Allen, Koetje, Hart, DeVuyst, Lockwood, LaSata, Jansen, Rivet, Pestka, Frank, Stamas, Shulman, Woronchak, Bradstreet, Van Woerkom, Gilbert, Garcia, Julian, Vander Roest, Rick Johnson, Bishop, Richardville, Mortimer, Kowall, Cameron Brown, Basham, Sanborn, Green, Hager, Jellema, Raczkowski, Byl and Mead and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2835 (MCL 333.2835) and by adding
section 2837.

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 TREATMENT. PHYSICAL COMPLICATION INCLUDES, BUT IS NOT LIMITED
9 TO, INFECTION, HEMORRHAGE, CERVICAL LACERATION, OR PERFORATION OF
10 THE UTERUS.

1 (2) A physician who performs an abortion shall report the
2 performance of that procedure to the department on forms pre-
3 scribed 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 period of gestation in weeks of the present preg-
25 nancy and the first day of the last menstrual period.

26 (j) The method used to perform the abortion.

(k) The weight of the embryo or fetus, if determinable.

(l) THE TYPE OF DIAGNOSTIC OR GENETIC TESTING OR SCREENING, IF ANY, PERFORMED UPON THE WOMAN OR FETUS BY THE PHYSICIAN OR BY ANOTHER LICENSED HEALTH PROFESSIONAL BEFORE THE ABORTION AND RELATED TO THE HEALTH OF THE FETUS.

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

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

(O) ~~(n)~~ ~~The immediate complications of the abortion~~

~~procedure~~ A PHYSICAL COMPLICATION OR DEATH RESULTING FROM THE ABORTION AND OBSERVED BY THE PHYSICIAN OR REPORTED TO THE PHYSICIAN OR HIS OR HER AGENT BEFORE THE REPORT REQUIRED UNDER SUBSECTION (2) IS TRANSMITTED TO THE DIRECTOR.

(P) ~~(o)~~ The physician's signature and his OR HER state license number.

(4) The report REQUIRED UNDER SUBSECTION (2) shall not contain the name of the woman, common identifiers such as social security or ~~drivers~~ MOTOR VEHICLE OPERATOR'S license numbers or other information or identifiers that would make it possible to identify in any manner or under any circumstances an individual who has obtained or seeks to obtain an abortion. A state agency shall not compare data in an ELECTRONIC OR OTHER information system file with data in another ~~computer~~ ELECTRONIC OR OTHER INFORMATION system ~~which~~ THAT would result in identifying in any manner or under any circumstances an individual obtaining or seeking to obtain an abortion. Statistical information ~~which~~

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

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

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

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

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

16 (C) PHYSICAL COMPLICATIONS REPORTED UNDER SUBSECTION (3)(O)
17 AND SECTION 2837.

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

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

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 SEC. 2837. (1) THE DEPARTMENT SHALL DO ALL OF THE
10 FOLLOWING:

11 (A) PROMULGATE RULES REQUIRING A PHYSICIAN TO FILE A WRITTEN
12 REPORT WITH THE LOCAL PUBLIC HEALTH DEPARTMENT REGARDING A
13 PATIENT WHO COMES UNDER THE PHYSICIAN'S PROFESSIONAL CARE AND WHO
14 SUFFERS A PHYSICAL COMPLICATION OR DEATH THAT IS A PRIMARY, SEC-
15 ONDARY, OR TERTIARY RESULT OF AN ABORTION.

16 (B) SUMMARIZE AGGREGATE DATA FROM THE REPORTS REQUIRED UNDER
17 SUBDIVISION (A) FOR PURPOSES OF INCLUSION INTO THE ANNUAL STATIS-
18 TICAL REPORT ON ABORTION REQUIRED UNDER SECTION 2835.

19 (C) DESTROY EACH INDIVIDUAL REPORT REQUIRED BY THIS SECTION
20 AND ANY COPIES OF THE REPORT AFTER RETAINING THE REPORT FOR 5
21 YEARS AFTER THE REPORT IS RECEIVED.

22 (2) THE DEPARTMENT SHALL PROMULGATE THE RULES REQUIRED UNDER
23 SUBSECTION (1)(A) IN SUCH A MANNER AS TO AMEND THE APPROVED FORM
24 FOR REPORTING VENEREAL DISEASE PROVIDED UNDER R 325.173 OF THE
25 MICHIGAN ADMINISTRATIVE CODE TO INCORPORATE THE REPORTING
26 REQUIREMENTS OF SUBSECTION (1)(A), AND SHALL SPECIFY IN THE RULES
27 THAT A PHYSICIAN FILING A REPORT REGARDING A PHYSICAL

1 COMPLICATION FROM ABORTION REQUIRED UNDER THIS SECTION SHALL NOT
2 INCLUDE THE NAME OR ADDRESS OF THE PATIENT WHO IS THE SUBJECT OF
3 THE REPORT OR ANY OTHER INFORMATION THAT COULD REASONABLY BE
4 EXPECTED TO IDENTIFY THE SUBJECT OF THE REPORT.