

# HOUSE BILL No. 4829

June 17, 1999, Introduced by Reps. Jansen, Gosselin, Green, Vear, Sanborn, Voorhees, Garcia, Bishop, Kuipers, Tabor, DeWeese, Pestka, Bradstreet, Koetje, Hart, Julian and Birkholz and referred to the Committee on Insurance and Financial Services.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 21053f.

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

- 1        SEC. 21053F. (1) A HEALTH MAINTENANCE ORGANIZATION GROUP OR  
2 INDIVIDUAL CONTRACT SHALL NOT PROVIDE COVERAGE FOR ELECTIVE ABOR-  
3 TIONS UNLESS ALL OF THE FOLLOWING ARE MET:
- 4        (A) THE ENROLLEE HAS INDIVIDUALLY SELECTED, BY OPTIONAL  
5 RIDER, THE ELECTIVE ABORTION COVERAGE.
- 6        (B) AN ADDITIONAL PREMIUM FOR THE OPTIONAL ELECTIVE ABORTION  
7 COVERAGE RIDER HAS BEEN PAID BY THE ENROLLEE OR THE ENROLLEE HAS  
8 INDIVIDUALLY CONSENTED IN WRITING TO THE PREMIUM BEING PAID BY  
9 THE GROUP PURCHASER OF COVERAGE.
- 10       (2) AS USED IN THIS SECTION:

1 (A) "ELECTIVE ABORTION" MEANS THE INTENTIONAL USE OF AN  
2 INSTRUMENT, DRUG, OR OTHER SUBSTANCE OR DEVICE TO TERMINATE A  
3 WOMAN'S PREGNANCY FOR A PURPOSE OTHER THAN TO INCREASE THE PROBA-  
4 BILITY OF A LIVE BIRTH, TO PRESERVE THE LIFE OR HEALTH OF THE  
5 CHILD AFTER LIVE BIRTH, OR TO REMOVE A DEAD FETUS. ELECTIVE  
6 ABORTION DOES NOT INCLUDE EITHER OF THE FOLLOWING:

7 (i) THE PRESCRIPTION OF OR USE OF A DRUG OR DEVICE INTENDED  
8 AS A CONTRACEPTIVE.

9 (ii) THE INTENTIONAL USE OF AN INSTRUMENT, DRUG, OR OTHER  
10 SUBSTANCE OR DEVICE BY A PHYSICIAN TO TERMINATE A WOMAN'S PREG-  
11 NANCY IF THE WOMAN'S PHYSICAL CONDITION, IN THE PHYSICIAN'S REA-  
12 SONABLE MEDICAL JUDGMENT, NECESSITATES THE TERMINATION OF THE  
13 WOMAN'S PREGNANCY TO AVERT HER DEATH.

14 (B) "ENROLLEE" MEANS THE INDIVIDUAL FOR WHOSE BENEFIT A  
15 HEALTH MAINTENANCE ORGANIZATION CONTRACT DESCRIBED IN SUBSECTION  
16 (1) HAS BEEN ISSUED.

17 (C) "PHYSICIAN" MEANS AN INDIVIDUAL LICENSED TO ENGAGE IN  
18 THE PRACTICE OF ALLOPATHIC MEDICINE OR THE PRACTICE OF OSTEO-  
19 PATHIC MEDICINE AND SURGERY UNDER ARTICLE 15.

20 (3) THIS SECTION DOES NOT CREATE A RIGHT TO ABORTION.

21 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A  
22 PERSON SHALL NOT PERFORM AN ABORTION THAT IS PROHIBITED BY LAW.

23 (5) THIS SECTION APPLIES TO HEALTH MAINTENANCE CONTRACTS  
24 ISSUED OR RENEWED IN THIS STATE AFTER THE EFFECTIVE DATE OF THIS  
25 SECTION.