

**SUBSTITUTE FOR
HOUSE BILL NO. 4655**

A bill to revise the priority of allocation of funds for certain programs and services administered by the department of community health; and to prescribe the powers and duties of certain state agencies and departments.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) Except as otherwise provided in this section,
2 it is the policy of this state for the department of community
3 health to give priority under this subsection in the allocation
4 of funds through grants or contracts for educational and other
5 programs and services administered by the department of community
6 health and primarily pertaining to family planning or reproduc-
7 tive health services, or both. This subsection applies to grants
8 or contracts awarded to a qualified entity that does not engage
9 in 1 or more of the following activities:

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1 (a) Performing elective abortions or allowing the
2 performance of elective abortions within a facility owned or
3 operated by the qualified entity.

4 (b) Referring a pregnant woman to an abortion provider for
5 an elective abortion.

6 (c) Public advocacy promoting the legality or accessibility
7 of elective abortion.

8 (d) Adopting or maintaining a policy in writing that elec-
9 tive abortion is considered part of a continuum of family plan-
10 ning or reproductive health services, or both.

11 (2) If each of the entities applying for a grant or contract
12 described in subsection (1) engages in 1 or more of the activi-
13 ties listed in subsection (1)(a) to (d), the department of commu-
14 nity health shall give priority to those entities that engage in
15 the least number of activities listed in subsection (1)(a) to
16 (d).

17 (3) Subsection (1) does not apply if the only applying
18 entity for a grant or contract described in subsection (1)
19 engages in 1 or more of the activities listed in subsection
20 (1)(a) to (d).

21 (4) Subsection (1) does not apply to grants or contracts
22 awarded by the department of community health other than family
23 planning and pregnancy prevention awards under subpart a of part
24 59 of title 42 of the Code of Federal Regulations or state appro-
25 priated family planning or pregnancy prevention funds.

26 (5) In applying the priority established in subsection (1),
27 the department of community health shall not take into

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1 consideration an activity listed in subsection (1)(a) to (d) if
2 participating in that activity is required under federal law as a
3 qualification for receiving federal funding.

4 (6) If an entity applying for a contract or grant described
5 in subsection (1) is affiliated with another entity that engages
6 in 1 or more of the activities listed in subsection (1)(a) to
7 (d), the applying entity shall, for purposes of awarding a grant
8 or contract under subsection (1), be considered independent of
9 the affiliated entity if all of the following conditions are
10 met:

11 (a) The physical properties and equipment of the applying
12 entity are separate and not shared with the affiliated entity.

13 (b) The financial records of the applying entity and affili-
14 ated entity demonstrate that the affiliated entity receives no
15 funds from the applying entity.

16 (c) The paid personnel of the applying entity do not perform
17 any function or duty on behalf of the affiliated entity while on
18 the physical property of the applying entity or during the hours
19 the personnel are being paid by the applying entity.

20 (7) As used in this act:

21 (a) "Affiliated" means the sharing between entities of 1 or
22 more of the following:

23 (i) A common name or other identifier.

24 (ii) Members of a governing board.

25 (iii) A director.

26 (iv) Paid personnel.

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1 (b) "Elective abortion" means the performance of a procedure
2 involving the intentional use of an instrument, drug, or other
3 substance or device to terminate a woman's pregnancy for a pur-
4 pose other than to increase the probability of a live birth, to
5 preserve the life or health of the child after live birth, or to
6 remove a dead fetus. Elective abortion does not include either
7 of the following:

8 (i) The use or prescription of a drug or device intended as
9 a contraceptive.

10 (ii) The intentional use of an instrument, drug, or other
11 substance or device by a physician to terminate a woman's preg-
12 nancy if the woman's physical condition, in the physician's rea-
13 sonable medical judgment, necessitates the termination of the
14 woman's pregnancy to avert her death.

15 (c) "Entity" means a local agency, organization, or corpora-
16 tion or a subdivision, contractee, subcontractee, or grant recip-
17 ient of a local agency, organization, or corporation.

18 (d) "Public advocacy" means 1 or more of the following:

19 (i) To regularly engage in efforts to encourage the passage
20 or defeat of legislation pertaining to continued or expanded
21 availability of elective abortion.

22 (ii) To publicly endorse or recommend the election or defeat
23 of a candidate for public office based on the candidate's posi-
24 tion on the legality of elective abortion.

25 (iii) To engage in civil litigation against a unit of gov-
26 ernment as a plaintiff seeking to enjoin or otherwise prohibit

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1 enforcement of a statute, ordinance, rule, or regulation
2 pertaining to elective abortion.

3 (e) "Qualified entity" means an entity [reviewed and]
4 determined by the

5 department of community health to be technically and logistically

6 capable of providing the quality and quantity of services

7 required within a cost range considered appropriate by the

department[, and that meets the following conditions:

(i) Can remain in continuous compliance with subpart A of Part
59 of Title 42 of the Code of Federal Regulations.

(ii) Must be capable of assuming the patient capacity required
by the current contract].