

HOUSE BILL No. 4655

April 24, 2001, Introduced by Reps. Jansen, Hart, Gosselin, Tabor, Vander Veen, Meyer and Voorhees and referred to the Committee on Family and Children Services.

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 and pertain-
6 ing to family planning or reproductive health services, or both.
7 This subsection applies to grants or contracts awarded to an
8 entity that is considered qualified by the department and that
9 does not engage in 1 or more of the following activities:

1 (a) Performing elective abortions or allowing the
2 performance of elective abortions within a facility owned or
3 operated by the agency, organization, or corporation or by its
4 subdivision, contractee, subcontractee, or grant recipient.

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

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

9 (d) Adopting or maintaining a policy in writing or through
10 public statements made orally that elective abortion is consid-
11 ered part of a continuum of family planning or reproductive
12 health services, or both.

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

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

22 (4) If an entity applying for a contract or grant described
23 in subsection (1) is affiliated with another entity that engages
24 in 1 or more of the activities listed in subsection (1)(a) to
25 (d), the applying entity shall, for purposes of awarding a grant
26 or contract under subsection (1), be considered independent of

1 the affiliated entity if all of the following conditions are
2 met:

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

5 (b) The financial records of the applying entity and affili-
6 ated entity demonstrate that the affiliated entity receives no
7 funds from the applying entity.

8 (c) The paid personnel of the applying entity do not perform
9 any function or duty on behalf of the affiliated entity while on
10 the physical property of the applying entity or during the hours
11 the personnel are being paid by the applying entity.

12 (5) As used in this act:

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

15 (i) A common name or other identifier.

16 (ii) Members of a governing board.

17 (iii) A director.

18 (iv) Paid personnel.

19 (b) "Elective abortion" means the performance of a procedure
20 involving the intentional use of an instrument, drug, or other
21 substance or device to terminate a woman's pregnancy for a pur-
22 pose other than to increase the probability of a live birth, to
23 preserve the life or health of the child after live birth, or to
24 remove a dead fetus. Elective abortion does not include either
25 of the following:

26 (i) The use or prescription of a drug or device intended as
27 a contraceptive.

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

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

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

10 (i) To regularly engage in efforts to encourage the passage
11 or defeat of legislation pertaining to continued or expanded
12 availability of elective abortion.

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

16 (iii) To engage in civil litigation against a unit of gov-
17 ernment as a plaintiff seeking to enjoin or otherwise prohibit
18 enforcement of a statute, ordinance, rule, or regulation pertain-
19 ing to elective abortion.