

HOUSE BILL No. 5051

September 23, 2003, Introduced by Rep. Stewart and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 17016 and 17516 (MCL 333.17016 and
333.17516), as added by 1996 PA 273.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17016. (1) Except as otherwise provided in
2 subsection (2), a physician or an individual performing an act,
3 task, or function under the delegatory authority of a physician
4 shall not perform a partial-birth abortion **at 12 weeks of**
5 **gestation or later**, even if the abortion is otherwise permitted
6 by law.

7 (2) A physician or an individual described in subsection (1)
8 may perform a partial-birth abortion if the physician or other
9 individual reasonably believes **in his or her appropriate medical**
10 **judgment** that performing the partial-birth abortion is necessary

1 to ~~save~~ **preserve** the life **or health** of a pregnant woman ~~whose~~
2 ~~life is endangered by a physical disorder, physical illness, or~~
3 ~~physical injury~~ and that no other medical procedure will
4 accomplish that purpose.

5 (3) This section does not create a right to abortion.

6 (4) Notwithstanding any other provision of this section, a
7 person shall not perform an abortion that is prohibited by law.

8 (5) As used in this section:

9 (a) "Abortion" means the intentional use of an instrument,
10 drug, or other substance or device to terminate a woman's
11 pregnancy for a purpose other than to increase the probability of
12 a live birth, to preserve the life or health of the child after
13 live birth, or to remove a dead fetus. Abortion does not include
14 a procedure to complete a spontaneous abortion or the use or
15 prescription of a drug or device intended as a contraceptive.

16 (b) "Fetus" means an individual organism of the species homo
17 sapiens at any time before complete delivery from a pregnant
18 woman.

19 (c) "Partial-birth abortion" means an abortion in which the
20 physician or individual acting under the delegatory authority of
21 the physician performing the abortion partially vaginally
22 delivers ~~a~~ **an intact** living fetus ~~before~~ **with the intent of**
23 **killing the fetus by collapsing the calvarium or evacuating the**
24 **intracranial contents of the fetus** and completing the delivery.

25 Sec. 17516. (1) Except as otherwise provided in
26 subsection (2), a physician or an individual performing an act,
27 task, or function under the delegatory authority of a physician

1 shall not perform a partial-birth abortion **at 12 weeks of**
2 **gestation or later**, even if the abortion is otherwise permitted
3 by law.

4 (2) A physician or an individual described in subsection (1)
5 may perform a partial-birth abortion if the physician or other
6 individual reasonably believes **in his or her appropriate medical**
7 **judgment** that performing the partial-birth abortion is necessary
8 to ~~save~~ **preserve** the life **or health** of a pregnant woman ~~whose~~
9 ~~life is endangered by a physical disorder, physical illness, or~~
10 ~~physical injury~~ and that no other medical procedure will
11 accomplish that purpose.

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4 **intracranial contents of the fetus** and completing the delivery.