

HOUSE BILL No. 5637

March 11, 2004, Introduced by Reps. Hoogendyk, Howell, Pappageorge, Stahl, Middaugh, Kooiman, Bradstreet, Sheen, Huizenga, Hune, DeRoche, Steil, Wojno, Robertson, Voorhees, Stakoe, Shaffer, Acciavatti, Drolet, DeRossett, Brandenburg, Farhat, Emmons, Hager, Nofs, Mortimer, Caswell, Hummel, Newell, Ruth Johnson, Koetje, O'Neil and Rivet and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 9141.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9141. (1) The department shall establish and
2 administer a grant program to provide grants for the purchase of
3 ultrasound equipment. The department shall use the grant program
4 to make grants to qualified entities that apply for a grant and
5 that do not have at least 2 ultrasound machines.

6 (2) The ultrasound equipment fund is created within the
7 state treasury. The state treasurer may receive money or other
8 assets from any source for deposit into the fund including, but
9 not limited to, appropriations, other state revenues, federal
10 money, gifts, bequests, donations, and money from any other
11 source provided by law. The state treasurer shall direct the

1 investment of the fund. The state treasurer shall credit to the
2 fund interest and earnings from fund investments. Money in the
3 fund at the close of the fiscal year shall remain in the fund and
4 shall not lapse to the general fund.

5 (3) The department shall use the fund to make grants as
6 provided under subsection (1) for the purchase of ultrasound
7 equipment. An application for a grant under the grant program
8 shall be made on a form or format prescribed by the department.
9 The department may require the applicant to provide information
10 reasonably necessary to allow the department to make a
11 determination required under this section. The director of the
12 department shall have final approval of grants made under this
13 section.

14 (4) A cash match of at least 50% of the grant or other
15 repayment guarantee with a dedicated funding source is required
16 before a grant can be awarded.

17 (5) The department shall not make a grant to a qualified
18 entity for the purchase of ultrasound equipment unless the
19 following conditions are met:

20 (a) The entity is a nonprofit entity that provides family
21 planning or reproductive health services to low-income women at
22 no cost.

23 (b) The entity does not have at least 1 ultrasound monitor
24 that is fully accessible to each pregnant woman upon whom the
25 ultrasound equipment is used.

26 (c) The entity agrees to comply with each of the following:

27 (i) Inform each pregnant woman upon whom the ultrasound

1 equipment is used that she has the right to view the ultrasound
2 image.

3 (ii) If the ultrasound equipment is capable, inform each
4 pregnant woman upon whom the ultrasound equipment is used that
5 she has the right to record the ultrasound image for her own
6 records if she provides the entity with the videocassette, film,
7 or other medium now known or later developed on which images can
8 be recorded or otherwise stored.

9 (iii) Certify in writing that the woman was offered an
10 opportunity to view the ultrasound image, obtain the woman's
11 acceptance or rejection to view the image in writing, and
12 maintain a copy of each in the woman's medical file.

13 (iv) Shall not use the ultrasound equipment to assist in the
14 performance of an elective abortion.

15 (6) The department shall annually prepare a report
16 summarizing the grants made under this section, contractual
17 commitments made and achieved, and a preliminary evaluation of
18 the effectiveness of this section and shall provide a copy of
19 this report to the chairs of the house and senate appropriations
20 subcommittees for the department of community health.

21 (7) The department may promulgate rules under the
22 administrative procedures act of 1969 to implement this grant
23 program.

24 (8) As used in this section:

25 (a) "Department" means the department of community health.

26 (b) "Elective abortion" means the performance of a procedure
27 involving the intentional use of an instrument, drug, or other

1 substance or device to terminate a woman's pregnancy for a
2 purpose other than to increase the probability of a live birth,
3 to preserve the life or health of the child after live birth, or
4 to remove a dead fetus. Elective abortion does not include
5 either of the following:

6 (i) The use or prescription of a drug or device intended as
7 a contraceptive.

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

13 (c) "Entity" means a local agency, organization, or
14 corporation or a subdivision, contractee, subcontractee, or grant
15 recipient of a local agency, organization, or corporation.

16 (d) "Fund" means the ultrasound equipment fund created under
17 subsection (2).

18 (e) "Qualified entity" means an entity reviewed and
19 determined by the department of community health to satisfy all
20 of the conditions required under subsection (5) and to be
21 technically and logistically capable of providing the quality and
22 quantity of services required within a cost range considered
23 appropriate by the department.