

# HOUSE BILL No. 5134

October 27, 2011, Introduced by Reps. Jenkins, Kurtz, Rendon, Outman, LaFontaine, Shaughnessy, Kowall, Callton, Cotter, Somerville, MacMaster, Horn, Jacobsen, McBroom, McMillin, Johnson and Price and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 17515 (MCL 333.17515), as added by 1993 PA 133  
and by adding section 17015a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 17015A. (1) IF A PATIENT SCHEDULES AN APPOINTMENT FOR AN  
2 ABORTION AFTER RECEIVING THE INFORMATION REQUIRED UNDER SECTION  
3 17015(3), THE PHYSICIAN OR QUALIFIED PERSON ASSISTING THE PHYSICIAN  
4 SHALL ORALLY SCREEN THE PATIENT FOR COERCION TO ABORT AND DOMESTIC  
5 VIOLENCE USING THE SCREENING TOOLS DEVELOPED BY THE DEPARTMENT  
6 UNDER SECTION 17015(11).

7        (2) IF A PATIENT DISCLOSES THAT SHE IS THE VICTIM OF DOMESTIC  
8 VIOLENCE THAT DOES NOT INCLUDE COERCION TO ABORT, THE PHYSICIAN OR  
9 QUALIFIED PERSON ASSISTING THE PHYSICIAN SHALL FOLLOW THE PROTOCOLS

1 DEVELOPED BY THE DEPARTMENT UNDER SECTION 17015(11).

2 (3) IF A PATIENT DISCLOSES COERCION TO ABORT, THE PHYSICIAN OR  
3 QUALIFIED PERSON ASSISTING THE PHYSICIAN SHALL FOLLOW THE PROTOCOLS  
4 DEVELOPED BY THE DEPARTMENT UNDER SECTION 17015(11) AND SHALL DO  
5 ALL OF THE FOLLOWING:

6 (A) INFORM THE PATIENT THAT COERCION OF HER TO SEEK AN  
7 ABORTION IS ILLEGAL AND IS ALSO GROUNDS FOR A CIVIL ACTION UNDER  
8 WHICH SHE MAY RECEIVE FINANCIAL COMPENSATION FOR HER DAMAGES.

9 (B) POSTPONE THE PERFORMANCE OF THE ABORTION FOR AT LEAST 24  
10 HOURS AFTER THE COERCION IS DISCLOSED UNDER THIS SUBSECTION.

11 (4) IF A PATIENT WHO DISCLOSES COERCION TO ABORT UNDER  
12 SUBSECTION (3) RETURNS TO THE PHYSICIAN SEEKING AN ABORTION AFTER  
13 THE TIME PERIOD REQUIRED UNDER SUBSECTION (3) (B) HAS ELAPSED, THE  
14 PHYSICIAN MAY, AFTER OBTAINING THE PATIENT'S SIGNATURE ON THE  
15 ACKNOWLEDGMENT AND CONSENT FORM AS REQUIRED UNDER SECTION 17015,  
16 PERFORM THE ABORTION.

17 (5) IF A PATIENT WHO IS UNDER THE AGE OF 18 DISCLOSES DOMESTIC  
18 VIOLENCE OR COERCION TO ABORT, THE PHYSICIAN OR QUALIFIED PERSON  
19 ASSISTING THE PHYSICIAN SHALL REPORT THAT FACT TO A LOCAL CHILD  
20 PROTECTIVE SERVICES OFFICE.

21 (6) A PRIVATE OFFICE, FREESTANDING SURGICAL OUTPATIENT  
22 FACILITY, OR OTHER FACILITY OR CLINIC IN WHICH ABORTIONS ARE  
23 PERFORMED SHALL POST IN A CONSPICUOUS PLACE IN AN AREA OF ITS  
24 FACILITY THAT IS ACCESSIBLE TO PATIENTS, EMPLOYEES, AND VISITORS  
25 THE NOTICE DESCRIBED IN SECTION 17015(11)(I). A PRIVATE OFFICE,  
26 FREESTANDING SURGICAL OUTPATIENT FACILITY, OR OTHER FACILITY OR  
27 CLINIC IN WHICH ABORTIONS ARE PERFORMED SHALL MAKE AVAILABLE IN AN

1 AREA OF ITS FACILITY THAT IS ACCESSIBLE TO PATIENTS, EMPLOYEES, AND  
2 VISITORS PUBLICATIONS THAT CONTAIN INFORMATION ABOUT VIOLENCE  
3 AGAINST WOMEN.

4 (7) THIS SECTION DOES NOT CREATE A RIGHT TO ABORTION.  
5 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A PERSON SHALL  
6 NOT PERFORM AN ABORTION THAT IS PROHIBITED BY LAW.

7 Sec. 17515. A physician, before performing an abortion on a  
8 patient, shall comply with ~~section~~ **SECTIONS 17015 AND 17015A**.

9 Enacting section 1. This amendatory act takes effect October  
10 1, 2012.

11 Enacting section 2. This amendatory act does not take effect  
12 unless all of the following bills of the 96th Legislature are  
13 enacted into law:

14 (a) House Bill No. 4798.

15 (b) House Bill No. 4799.

16 (c) Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
17 03186'11).

18 (d) Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
19 03835'11).