

HOUSE BILL No. 4763

June 14, 2017, Introduced by Reps. Pagan, Cochran, Dianda, Sneller, Chang, Love, Sabo, Sowerby, Jones, Wittenberg, Geiss, Hoadley, Brinks, Hertel, Greig, Moss, Hammoud and Durhal and referred to the Committee on Health Policy.

A bill to define certain rights of women regarding abortions; to prevent the enforcement of laws and administrative rules that place a burden on a woman's access to abortion; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "whole
2 woman's health act".

3 Sec. 3. (1) A woman has a fundamental right to choose to
4 obtain an abortion.

5 (2) This state shall not prohibit a woman from obtaining any
6 of the following:

7 (a) An abortion before viability.

8 (b) An abortion at any time throughout the woman's pregnancy

1 if, in a physician's professional judgment, terminating the woman's
2 pregnancy is necessary to protect the woman's life or health.

3 Sec. 5. (1) A law or administrative rule of this state
4 regulating abortion that places a burden on a woman's access to
5 abortion is unenforceable if the law or administrative rule does
6 not confer a legitimate health benefit.

7 (2) As used in this section:

8 (a) "Confer a legitimate health benefit" means 1 or more of
9 the following:

10 (i) Expand a woman's access to a health care service.

11 (ii) Increase a patient's safety according to evidence-based
12 research.

13 (b) "Places a burden on a woman's access to abortion" means 1
14 or more of the following:

15 (i) Forces an abortion provider to close.

16 (ii) Increases the time a woman must wait to have an abortion.

17 (iii) Requires a meaningful increase in the distance a woman
18 must travel to access care.

19 (iv) Requires medically unnecessary health center visits.

20 (v) Requires a health care provider to perform a medical
21 service that the health care provider would not otherwise perform.

22 (vi) Increases the risk to a woman's health.

23 (vii) Causes a meaningful increase in procedure cost.

24 (viii) Has no purpose other than to stigmatize a patient and
25 an abortion provider.

26 (ix) Has no purpose or effect other than to decrease or
27 eliminate a woman's access to abortion.

1 Sec. 7. A person alleging that a state or local official is
2 enforcing a law enacted or an administrative rule promulgated after
3 the effective date of this act that violates section 3 or 5 may
4 bring a civil action for appropriate injunctive relief or damages,
5 or both.

6 Enacting section 1. This act takes effect 90 days after the
7 date it is enacted into law.