

**HOUSE SUBSTITUTE FOR**  
**SENATE BILL NO. 474**

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 2690, 2803, 2848, 2854, 9141, 10102, 16221,  
16226, 16245, 16299, 17015, and 20115 (MCL 333.2690, 333.2803,  
333.2848, 333.2854, 333.9141, 333.10102, 333.16221, 333.16226,  
333.16245, 333.16299, 333.17015, and 333.20115), section 2690 as  
amended by 2016 PA 386, section 2803 as amended by 2020 PA 54,  
sections 2848, 17015, and 20115 as amended and section 2854 as  
added by 2012 PA 499, section 9141 as added by 2004 PA 501, section  
10102 as amended by 2008 PA 39, section 16221 as amended by 2023 PA  
47, section 16226 as amended by 2023 PA 48, section 16245 as  
amended by 2014 PA 413, and section 16299 as amended by 2020 PA  
375; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2690. (1) A person shall not knowingly sell, collect any  
2 fee for, transfer, distribute, or give away an embryo, fetus, or  
3 neonate for a use that is in violation of sections 2685 to 2689.

4           (2) Except as otherwise provided in subsection (3), a  
5 physician, or a person associated with the physician, who, as a  
6 result of the physician's performing an ~~elective-abortion~~,  
7 possesses a dead embryo, fetus, or neonate shall not knowingly  
8 financially benefit from or receive any type of compensation for  
9 either of the following:

10           (a) Allowing a person that was not involved in the performance  
11 of the ~~elective-abortion~~ to have access to the embryo, fetus, or  
12 neonate for the purpose of the person taking possession and control  
13 of the embryo, fetus, or neonate, including the organs, tissues, or  
14 cells of the embryo, fetus, or neonate.

15           (b) Transferring possession and control of the embryo, fetus,  
16 or neonate, including the organs, tissues, or cells of the embryo,  
17 fetus, or neonate, to a person that was not involved in the  
18 performance of the ~~elective-abortion~~.

19           (3) Subsection (2) does not apply to any of the following:

20           (a) A hospital.

21           (b) A person that is performing an activity as part of that  
22 person's employment with a hospital or a contract with a hospital.

23           (c) A person that performs an activity under section 2688. ~~or~~  
24 ~~2836.~~

25           (4) As used in this section:

26           (a) ~~"Elective-abortion"~~ **"Abortion"** means **that term as defined**  
27 **in section 2803.** ~~the intentional use of an instrument, drug, or~~  
28 ~~other substance or device to terminate a woman's pregnancy for a~~

1 ~~purpose other than to increase the probability of a live birth, to~~  
2 ~~preserve the life or health of the child after live birth, or to~~  
3 ~~remove a fetus that has died as a result of natural causes,~~  
4 ~~accidental trauma, or a criminal assault on the pregnant woman.~~  
5 ~~Elective abortion does not include any of the following:~~

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

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

13 ~~(iii) Treatment on a pregnant woman who is experiencing a~~  
14 ~~miscarriage or has been diagnosed with an ectopic pregnancy.~~

15 (b) "Hospital" means a hospital licensed under article 17.

16 (c) "Person associated with the physician" means any of the  
17 following:

18 (i) An employee of the physician or other individual who  
19 assists the physician in performing an ~~elective~~ abortion.

20 (ii) A private physician practice, professional corporation, or  
21 freestanding surgical outpatient facility licensed under article  
22 17, that is owned or operated by the physician and in which an  
23 ~~elective~~ abortion is performed.

24 (iii) A private physician practice, professional corporation, or  
25 freestanding surgical outpatient facility licensed under article  
26 17, that employs or contracts with the physician to perform an  
27 ~~elective~~ abortion.

28 Sec. 2803. (1) "Abortion" means ~~that term as defined in~~  
29 ~~section 17015.~~ **a medical treatment that is intended to terminate a**

1     **diagnosable intrauterine pregnancy for a purpose other than to**  
2     **produce a live birth. Abortion does not include the use or**  
3     **prescription of a drug or device that prevents pregnancy or a**  
4     **medical treatment used to remove a dead fetus or embryo whose death**  
5     **was the result of a spontaneous abortion.**

6             (2) "Allowable individual" means an individual who is the  
7     subject of a birth record that is only available through the office  
8     of the state registrar and who meets any of the following:

9             (a) ~~He or she~~ **The individual** was born in the jurisdiction of  
10    the office of the local registrar where the certified copy of the  
11    birth record is being sought.

12            (b) If the individual was adopted, ~~his or her~~ **the individual's**  
13    adoption was ordered by a probate court that is located in the  
14    jurisdiction of the office of the local registrar where the  
15    certified copy of the birth record is being sought.

16            (3) "Dead body" means a human body or fetus, or a part of a  
17    dead human body or fetus, in a condition from which it may  
18    reasonably be concluded that death has occurred.

19            (4) "Fetal death" means the death of a fetus that has  
20    completed at least 20 weeks of gestation or weighs at least 400  
21    grams. Fetal death includes a stillbirth. The definition **of fetal**  
22    **death** must conform in all other respects as closely as possible to  
23    the definition recommended by the federal agency responsible for  
24    vital statistics.

25            (5) "Fetal remains" means a dead fetus or part of a dead fetus  
26    that has completed at least 10 weeks of gestation or has reached  
27    the stage of development that, upon visual inspection of the fetus  
28    or part of the fetus, the head, torso, or extremities appear to be  
29    supported by skeletal or cartilaginous structures. Fetal remains do

1 not include the umbilical cord or placenta.

2 (6) "File" means to present a certificate, report, or other  
3 record to the local registrar for registration by the state  
4 registrar.

5 (7) "Final disposition" means the burial, cremation,  
6 interment, or other legal disposition of a dead body or fetal  
7 remains.

8 Sec. 2848. (1) Except as otherwise provided in sections 2844  
9 and 2845, a funeral director or person acting as a funeral  
10 director, who first assumes custody of a dead body, not later than  
11 72 hours after death or the finding of a dead body and before final  
12 disposition of the body, shall obtain authorization for the final  
13 disposition. The authorization for final disposition of a dead body  
14 ~~shall~~**must** be issued on a form prescribed by the state registrar  
15 and signed by the local registrar or the state registrar.

16 (2) ~~Except as otherwise provided in section 2836, or unless~~  
17 **Unless** the mother has provided written consent for research on the  
18 dead fetus under section 2688, before final disposition of a dead  
19 fetus, irrespective of the duration of pregnancy, the funeral  
20 director or person assuming responsibility for the final  
21 disposition of the fetus or fetal remains shall obtain from the  
22 parents, or parent if the mother is unmarried, an authorization for  
23 final disposition on a form prescribed and furnished or approved by  
24 the state registrar. The authorization may allow final disposition  
25 to be by a funeral director, the individual in charge of the  
26 institution where the fetus was delivered or miscarried, or an  
27 institution or agency authorized to accept donated bodies, fetuses,  
28 or fetal remains under this act. The parents, or parent if the  
29 mother is unmarried, may direct the final disposition to be

1 interment or cremation as those terms are defined in section 2 of  
2 the cemetery regulation act, 1968 PA 251, MCL 456.522, or  
3 incineration. After final disposition, the funeral director, the  
4 individual in charge of the institution, or other person making the  
5 final disposition shall retain the permit for not less than 7  
6 years. This section as amended by ~~the amendatory act that added~~  
7 ~~this sentence~~ **2012 PA 499** does not require a religious service or  
8 ceremony as part of the final disposition of fetal remains.

9 (3) If final disposition is by cremation, the medical examiner  
10 of the county in which death occurred shall sign the authorization  
11 for final disposition.

12 (4) A body may be moved from the place of death to be prepared  
13 for final disposition with the consent of the physician or county  
14 medical examiner who certifies the cause of death.

15 (5) A permit for disposition issued under the law of another  
16 state that accompanies a dead body or dead fetus brought into this  
17 state is authorization for final disposition of the dead body or  
18 dead fetus in this state.

19 Sec. 2854. A person who violates this part by failing to  
20 ~~dispose of fetal remains resulting from an abortion as prescribed~~  
21 ~~in section 2836 or by failing to obtain the proper authorization~~  
22 for final disposition of a dead body as provided under section 2848  
23 is responsible for a state civil infraction as provided under  
24 chapter 88 of the revised judicature act of 1961, 1961 PA 236, MCL  
25 600.8801 to 600.8835, and may be ordered to pay a civil fine of not  
26 more than \$1,000.00 per violation.

27 Sec. 9141. (1) The department shall establish and administer a  
28 grant program to provide grants for the purchase of ultrasound  
29 equipment. The department shall use the grant program to make

1 grants to qualified entities that apply for a grant and that do not  
2 have at least 2 ultrasound machines.

3 (2) The ultrasound equipment fund is created within the state  
4 treasury. The state treasurer may receive money or other assets  
5 from any source for deposit into the fund including, but not  
6 limited to, state revenues, federal money, gifts, bequests,  
7 donations, and money from any other source provided by law. The  
8 state treasurer shall direct the investment of the fund. The state  
9 treasurer shall credit to the fund interest and earnings from fund  
10 investments. Money in the fund at the close of the fiscal year  
11 ~~shall remain~~ **remains** in the fund and ~~shall~~ **does** not lapse to the  
12 general fund.

13 (3) The department shall use the fund to make grants as  
14 provided under subsection (1) for the purchase of ultrasound  
15 equipment and to cover the administrative costs of the department  
16 and the department of treasury in implementing and administering  
17 this grant program. An application for a grant under the grant  
18 program ~~shall~~ **must** be made on a form or format prescribed by the  
19 department. The department may require the applicant to provide  
20 information reasonably necessary to allow the department to make a  
21 determination required under this section. In making its  
22 determination, the department shall give priority to those  
23 applicants that do not have an ultrasound machine or that have only  
24 1 ultrasound machine that is outdated based on industry standards.  
25 The director of the department shall have final approval of grants  
26 made under this section and the **director shall only approve** grants  
27 ~~shall only be approved~~ if the money is available in the fund.

28 (4) A cash match of at least 50% of the grant or other  
29 repayment guarantee with a dedicated funding source is required

1 before a grant can be awarded.

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

5 (a) The entity provides family planning or reproductive health  
6 services to low-income women at no cost or at a reduced cost.

7 (b) The entity agrees to comply with each of the following:

8 (i) Shall have at least 1 ultrasound monitor that is fully  
9 accessible to the pregnant ~~woman~~**individual** to view during the  
10 performance of ~~her~~**the individual's** ultrasound.

11 (ii) Inform each pregnant ~~woman~~**individual** upon whom the  
12 ultrasound equipment is used that ~~she~~**the individual** has the right  
13 to view the ultrasound image.

14 (iii) If the ultrasound equipment is capable, inform each  
15 pregnant ~~woman~~**individual** upon whom the ultrasound equipment is  
16 used that ~~she~~**the individual** has the right to record the ultrasound  
17 image for ~~her~~**the individual's** own records if ~~she~~**the individual**  
18 provides the entity with the videocassette, film, or other medium  
19 now known or later developed on which images can be recorded or  
20 otherwise stored.

21 (iv) Certify in writing that the ~~woman~~**individual** was offered  
22 an opportunity to view the ultrasound image, obtain the ~~woman's~~  
23 **individual's** acceptance or rejection to view the image in writing,  
24 and maintain a copy of each in the ~~woman's~~**individual's** medical  
25 file.

26 ~~(v) Shall not use the ultrasound equipment to assist in the~~  
27 ~~performance of an elective abortion.~~

28 ~~(v)~~ ~~(vi)~~ Shall have a trained medical professional or a  
29 qualified medical director on staff to perform the ultrasound.

1           (6) The department shall annually prepare a report summarizing  
 2 the grants made under this section, contractual commitments made  
 3 and achieved, and a preliminary evaluation of the effectiveness of  
 4 this section and shall provide a copy of this report to the chairs  
 5 of the house **of representatives** and senate appropriations  
 6 subcommittees for the department. ~~of community health.~~

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

10          (8) As used in this section:

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

12          ~~(b) "Elective abortion" means the performance of a procedure  
 13 involving the intentional use of an instrument, drug, or other  
 14 substance or device to terminate a woman's pregnancy for a purpose  
 15 other than to increase the probability of a live birth, to preserve  
 16 the life or health of the child after live birth, or to remove a  
 17 dead fetus. Elective abortion does not include either of the  
 18 following:~~

19          ~~(i) The use or prescription of a drug or device intended as a  
 20 contraceptive.~~

21          ~~(ii) The intentional use of an instrument, drug, or other  
 22 substance or device by a physician to terminate a woman's pregnancy  
 23 if the woman's physical condition, in the physician's reasonable  
 24 medical judgment, necessitates the termination of the woman's  
 25 pregnancy to avert her death.~~

26          **(a)** ~~(c)~~—"Entity" means a local agency, organization, or  
 27 corporation or a subdivision, contractee, subcontractee, or grant  
 28 recipient of a local agency, organization, or corporation.

29          **(b)** ~~(d)~~—"Fund" means the ultrasound equipment fund created

1 under subsection (2).

2 (c) ~~(e)~~ "Qualified entity" means an entity reviewed and  
3 determined by the department ~~of community health~~ to satisfy all of  
4 the conditions required under subsection (5) and to be technically  
5 and logistically capable of providing the quality and quantity of  
6 services required within a cost range considered appropriate by the  
7 department.

8 Sec. 10102. As used in this part:

9 (a) "Adult" means an individual who is at least 18 years of  
10 age.

11 (b) "Agent" means an individual who meets 1 or more of the  
12 following requirements:

13 (i) Is authorized to make health care decisions on the  
14 principal's behalf by a power of attorney for health care.

15 (ii) Is expressly authorized to make an anatomical gift on the  
16 principal's behalf by any other record signed by the principal.

17 (c) "Anatomical gift" means a donation of all or part of a  
18 human body to take effect after the donor's death for the purpose  
19 of transplantation, therapy, research, or education.

20 (d) "Body part" means an organ, eye, or tissue of a human  
21 being. The term does not include the whole body.

22 (e) "Decedent" means a deceased individual whose body or body  
23 part is or may be the source of an anatomical gift. The term  
24 includes a stillborn infant and, subject to this subdivision and  
25 restrictions imposed by law other than this part, a fetus. The term  
26 does not include a blastocyst, embryo, or fetus that is the subject  
27 of an abortion. As used in this subdivision, "abortion" means that  
28 term as defined in section ~~17015-2803~~.

29 (f) "Disinterested witness" means a witness who is not a

1 spouse, child, parent, sibling, grandchild, grandparent, or  
2 guardian of or other adult who exhibited special care and concern  
3 for the individual who makes, amends, revokes, or refuses to make  
4 an anatomical gift. The term does not include a person to which an  
5 anatomical gift could pass under section 10111.

6 (g) "Document of gift" means a donor card or other record used  
7 to make an anatomical gift. The term includes a statement or symbol  
8 on a driver license, identification card, or donor registry.

9 (h) "Donor" means an individual whose body or body part is the  
10 subject of an anatomical gift.

11 (i) "Donor registry" means a database that contains records of  
12 anatomical gifts and amendments to or revocations of anatomical  
13 gifts as provided for in section 10120.

14 (j) "Driver license" means an operator's or chauffeur's  
15 license or permit issued to an individual by the secretary of state  
16 under chapter III of the Michigan vehicle code, 1949 PA 300, MCL  
17 257.301 to 257.329, for that individual to operate a vehicle,  
18 whether or not conditions are attached to the license or permit.

19 (k) "Eye" means a human eye or any portion of a human eye.

20 (l) "Eye bank" means a person that is licensed, accredited, or  
21 regulated under federal or state law to engage in the recovery,  
22 screening, testing, processing, storage, or distribution of human  
23 eyes or portions of human eyes.

24 (m) "Guardian" means a person appointed by a court to make  
25 decisions regarding the support, care, education, health, or  
26 welfare of an individual. The term does not include a guardian ad  
27 litem.

28 (n) "Hospital" means a facility licensed as a hospital under  
29 the law of any state or a facility operated as a hospital by the

1 United States, a state, or a subdivision of a state.

2 (o) "Identification card" means an official state personal  
3 identification card issued by the secretary of state under 1972 PA  
4 222, MCL 28.291 to 28.300.

5 (p) "Know" means to have actual knowledge.

6 (q) "Minor" means an individual who is under 18 years of age.

7 (r) "Organ" means a human kidney, liver, heart, lung,  
8 pancreas, or intestine or multivisceral organs when transplanted at  
9 the same time as an intestine.

10 (s) "Organ procurement organization" means a person certified  
11 or recertified by the ~~secretary~~**Secretary** of the United States  
12 ~~department of health and human services~~**Department of Health and**  
13 **Human Services** as a qualified organ procurement organization under  
14 42 USC 273(b).

15 (t) "Parent" means a parent whose parental rights have not  
16 been terminated.

17 (u) "Person" means an individual, corporation, business trust,  
18 estate, trust, partnership, limited liability company, association,  
19 joint venture, public corporation, government or governmental  
20 subdivision, agency, or instrumentality or any other legal or  
21 commercial entity.

22 (v) "Physician" means an individual authorized to practice  
23 medicine or osteopathic medicine and surgery under the law of any  
24 state.

25 (w) "Procurement organization" means an eye bank, organ  
26 procurement organization, or tissue bank.

27 (x) "Prospective donor" means an individual who is dead or  
28 near death and has been determined by a procurement organization to  
29 have a body part that could be medically suitable for

1 transplantation, therapy, research, or education. The term does not  
2 include an individual who has made a refusal.

3 (y) "Reasonably available" means able to be contacted by a  
4 procurement organization without undue effort and willing and able  
5 to act in a timely manner consistent with existing medical criteria  
6 necessary for the making of an anatomical gift.

7 (z) "Recipient" means an individual into whose body a  
8 decedent's body part has been or is intended to be transplanted.

9 (aa) "Record" means information that is inscribed on a  
10 tangible medium or that is stored in an electronic or other medium  
11 and is retrievable in perceivable form.

12 (bb) "Refusal" means a record created under section 10107 that  
13 expressly refuses to make an anatomical gift of an individual's  
14 body or body part.

15 (cc) "Sign" means that, with the present intent to  
16 authenticate or adopt a record, an individual does either of the  
17 following:

18 (i) Executes or adopts a tangible symbol.

19 (ii) Attaches to or logically associates with the record an  
20 electronic symbol, sound, or process.

21 (dd) "State" means a state of the United States, the District  
22 of Columbia, Puerto Rico, the United States Virgin Islands, or any  
23 territory or insular possession subject to the jurisdiction of the  
24 United States.

25 (ee) "Technician" means an individual determined to be  
26 qualified to remove or process body parts by an appropriate  
27 organization that is licensed, accredited, or regulated under  
28 federal or state law. The term includes an enucleator.

29 (ff) "Tissue" means a portion of the human body other than an

1 organ or an eye. The term does not include blood unless the blood  
2 is donated for the purpose of research or education.

3 (gg) "Tissue bank" means a person that is licensed,  
4 accredited, or regulated under federal or state law to engage in  
5 the recovery, screening, testing, processing, storage, or  
6 distribution of tissue.

7 (hh) "Transplant hospital" means a hospital that furnishes  
8 organ transplants and other medical and surgical specialty services  
9 required for the care of transplant patients.

10 Sec. 16221. Subject to section 16221b, the department shall  
11 investigate any allegation that 1 or more of the grounds for  
12 disciplinary subcommittee action under this section exist, and may  
13 investigate activities related to the practice of a health  
14 profession by a licensee, a registrant, or an applicant for  
15 licensure or registration. The department may hold hearings,  
16 administer oaths, and order the taking of relevant testimony. After  
17 its investigation, the department shall provide a copy of the  
18 administrative complaint to the appropriate disciplinary  
19 subcommittee. The disciplinary subcommittee shall proceed under  
20 section 16226 if it finds that 1 or more of the following grounds  
21 exist:

22 (a) Except as otherwise specifically provided in this section,  
23 a violation of general duty, consisting of negligence or failure to  
24 exercise due care, including negligent delegation to or supervision  
25 of employees or other individuals, whether or not injury results,  
26 or any conduct, practice, or condition that impairs, or may impair,  
27 the ability to safely and skillfully engage in the practice of the  
28 health profession.

29 (b) Personal disqualifications, consisting of 1 or more of the

1 following:

2 (i) Incompetence.

3 (ii) Subject to sections 16165 to 16170a, substance use  
4 disorder as **that term is** defined in section 100d of the mental  
5 health code, 1974 PA 258, MCL 330.1100d.

6 (iii) Mental or physical inability reasonably related to and  
7 adversely affecting the licensee's or registrant's ability to  
8 practice in a safe and competent manner.

9 (iv) Declaration of mental incompetence by a court of competent  
10 jurisdiction.

11 (v) Conviction of a misdemeanor punishable by imprisonment for  
12 a maximum term of 2 years; conviction of a misdemeanor involving  
13 the illegal delivery, possession, or use of a controlled substance;  
14 or conviction of any felony other than a felony listed or described  
15 in another subparagraph of this subdivision. A certified copy of  
16 the court record is conclusive evidence of the conviction.

17 (vi) Lack of good moral character.

18 (vii) Conviction of a criminal offense under section 520e or  
19 520g of the Michigan penal code, 1931 PA 328, MCL 750.520e and  
20 750.520g. A certified copy of the court record is conclusive  
21 evidence of the conviction.

22 (viii) Conviction of a violation of section 492a of the Michigan  
23 penal code, 1931 PA 328, MCL 750.492a. A certified copy of the  
24 court record is conclusive evidence of the conviction.

25 (ix) Conviction of a misdemeanor or felony involving fraud in  
26 obtaining or attempting to obtain fees related to the practice of a  
27 health profession. A certified copy of the court record is  
28 conclusive evidence of the conviction.

29 (x) Final adverse administrative action by a licensure,

1 registration, disciplinary, or certification board involving the  
2 holder of, or an applicant for, a license or registration regulated  
3 by another state or a territory of the United States, by the United  
4 States military, by the federal government, or by another country.  
5 A certified copy of the record of the board is conclusive evidence  
6 of the final action.

7 (xi) Conviction of a misdemeanor that is reasonably related to  
8 or that adversely affects the licensee's or registrant's ability to  
9 practice in a safe and competent manner. A certified copy of the  
10 court record is conclusive evidence of the conviction.

11 (xii) Conviction of a violation of section 430 of the Michigan  
12 penal code, 1931 PA 328, MCL 750.430. A certified copy of the court  
13 record is conclusive evidence of the conviction.

14 (xiii) Conviction of a criminal offense under section 83, 84,  
15 316, 317, 321, 520b, 520c, 520d, or 520f of the Michigan penal  
16 code, 1931 PA 328, MCL 750.83, 750.84, 750.316, 750.317, 750.321,  
17 750.520b, 750.520c, 750.520d, and 750.520f. A certified copy of the  
18 court record is conclusive evidence of the conviction.

19 (xiv) Conviction of a violation of section 136 or 136a of the  
20 Michigan penal code, 1931 PA 328, MCL 750.136 and 750.136a. A  
21 certified copy of the court record is conclusive evidence of the  
22 conviction.

23 (xv) Conviction of a violation of section 90 of the Michigan  
24 penal code, 1931 PA 328, MCL 750.90, or a violation of a state or  
25 federal crime that is substantially similar to the violation  
26 described in this subparagraph. A certified copy of the court  
27 record is conclusive evidence of the conviction.

28 (c) Prohibited acts, consisting of 1 or more of the following:

29 (i) Fraud or deceit in obtaining or renewing a license or

1 registration.

2 (ii) Permitting a license or registration to be used by an  
3 unauthorized person.

4 (iii) Practice outside the scope of a license.

5 (iv) Obtaining, possessing, or attempting to obtain or possess  
6 a controlled substance or a drug as **that term is** defined in section  
7 7105 without lawful authority; or selling, prescribing, giving  
8 away, or administering drugs for other than lawful diagnostic or  
9 therapeutic purposes.

10 (d) Except as otherwise specifically provided in this section,  
11 unethical business practices, consisting of 1 or more of the  
12 following:

13 (i) False or misleading advertising.

14 (ii) Dividing fees for referral of patients or accepting  
15 kickbacks on medical or surgical services, appliances, or  
16 medications purchased by or in behalf of patients.

17 (iii) Fraud or deceit in obtaining or attempting to obtain third  
18 party reimbursement.

19 (e) Except as otherwise specifically provided in this section,  
20 unprofessional conduct, consisting of 1 or more of the following:

21 (i) Misrepresentation to a consumer or patient or in obtaining  
22 or attempting to obtain third party reimbursement in the course of  
23 professional practice.

24 (ii) Betrayal of a professional confidence.

25 (iii) Promotion for personal gain of an unnecessary drug,  
26 device, treatment, procedure, or service.

27 (iv) Either of the following:

28 (A) A requirement by a licensee other than a physician or a  
29 registrant that an individual purchase or secure a drug, device,

1 treatment, procedure, or service from another person, place,  
2 facility, or business in which the licensee or registrant has a  
3 financial interest.

4 (B) A referral by a physician for a designated health service  
5 that violates 42 USC 1395nn or a regulation promulgated under that  
6 section. For purposes of this subdivision, 42 USC 1395nn and the  
7 regulations promulgated under that section as they exist on June 3,  
8 2002 are incorporated by reference. A disciplinary subcommittee  
9 shall apply 42 USC 1395nn and the regulations promulgated under  
10 that section regardless of the source of payment for the designated  
11 health service referred and rendered. If 42 USC 1395nn or a  
12 regulation promulgated under that section is revised after June 3,  
13 2002, the department shall officially take notice of the revision.  
14 Within 30 days after taking notice of the revision, the department  
15 shall decide whether or not the revision pertains to referral by  
16 physicians for designated health services and continues to protect  
17 the public from inappropriate referrals by physicians. If the  
18 department decides that the revision does both of those things, the  
19 department may promulgate rules to incorporate the revision by  
20 reference. If the department does promulgate rules to incorporate  
21 the revision by reference, the department shall not make any  
22 changes to the revision. As used in this sub-subparagraph,  
23 "designated health service" means that term as defined in 42 USC  
24 1395nn and the regulations promulgated under that section and  
25 "physician" means that term as defined in sections 17001 and 17501.

26 (v) For a physician who makes referrals under 42 USC 1395nn or  
27 a regulation promulgated under that section, refusing to accept a  
28 reasonable proportion of patients eligible for Medicaid and  
29 refusing to accept payment from Medicaid or Medicare as payment in

1 full for a treatment, procedure, or service for which the physician  
 2 refers the individual and in which the physician has a financial  
 3 interest. A physician who owns all or part of a facility in which  
 4 the physician provides surgical services is not subject to this  
 5 subparagraph if a referred surgical procedure the physician  
 6 performs in the facility is not reimbursed at a minimum of the  
 7 appropriate Medicaid or Medicare outpatient fee schedule, including  
 8 the combined technical and professional components.

9 (vi) Any conduct by a ~~health professional licensee or~~  
 10 **registrant** with a patient while the ~~health professional licensee or~~  
 11 **registrant** is acting within the health profession for which the  
 12 ~~health professional licensee or registrant~~ is licensed or  
 13 registered, including conduct initiated by a patient or to which  
 14 the patient consents, that is sexual or may reasonably be  
 15 interpreted as sexual, including, but not limited to, sexual  
 16 intercourse, kissing in a sexual manner, or touching of a body part  
 17 for any purpose other than appropriate examination, treatment, or  
 18 comfort.

19 (vii) Offering to provide practice-related services, such as  
 20 drugs, in exchange for sexual favors.

21 (viii) A violation of section 16655(4) by a dental therapist.

22 (f) Failure to notify under section 16222(3) or (4).

23 (g) Failure to report a change of name or mailing address as  
 24 required in section 16192.

25 (h) A violation, or aiding or abetting in a violation, of this  
 26 article or of a rule promulgated under this article.

27 (i) Failure to comply with a subpoena issued pursuant to this  
 28 part, failure to respond to a complaint issued under this article,  
 29 article 7, or article 8, failure to appear at a compliance

1 conference or an administrative hearing, or failure to report under  
2 section 16222(1) or 16223.

3 (j) Failure to pay an installment of an assessment levied  
4 under the insurance code of 1956, 1956 PA 218, MCL 500.100 to  
5 500.8302, within 60 days after notice by the appropriate board.

6 (k) A violation of section 17013 or 17513.

7 (l) Failure to meet 1 or more of the requirements for licensure  
8 or registration under section 16174.

9 (m) A violation of section 17015, 17015a, ~~17017, or~~ 17515. ~~r~~  
10 ~~or 17517.~~

11 ~~(n) A violation of section 17016 or 17516.~~

12 (n) ~~(o)~~ Failure to comply with section 9206(3).

13 (o) ~~(p)~~ A violation of section 5654 or 5655.

14 (p) ~~(q)~~ A violation of section 16274.

15 (q) ~~(r)~~ A violation of section 17020 or 17520.

16 (r) ~~(s)~~ A violation of the medical records access act, 2004 PA  
17 47, MCL 333.26261 to 333.26271.

18 (s) ~~(t)~~ A violation of section 17764(2).

19 (t) ~~(u)~~ Failure to comply with the terms of a practice  
20 agreement described in section 17047(2)(a) or (b), 17547(2)(a) or  
21 (b), or 18047(2)(a) or (b).

22 (u) ~~(v)~~ A violation of section 7303a(2).

23 (v) ~~(w)~~ A violation of section 7303a(4) or (5).

24 (w) ~~(x)~~ A violation of section 7303b.

25 (x) ~~(y)~~ A violation of section 17754a.

26 (y) ~~(z)~~ Beginning January 1, 2021, a violation of section  
27 24507 or 24509.

28 Sec. 16226. (1) After finding the existence of 1 or more of  
29 the grounds for disciplinary subcommittee action listed in section

1 16221, a disciplinary subcommittee shall impose 1 or more of the  
2 following sanctions for each violation:

3	<u>Violations of Section 16221</u>	<u>Sanctions</u>
4 5 6 7 8	Subdivision (a), (b) (i), (b) (ii), (b) (iii), (b) (iv), (b) (v), (b) (vi), (b) (vii), (b) (ix), (b) (x), (b) (xi), or (b) (xii)	Probation, limitation, denial, suspension, revocation, permanent revocation, restitution, or fine.
9 10	Subdivision (b) (viii)	Revocation, permanent revocation, or denial.
11 12 13 14 15 16	Subdivision (b) (xiii)	Permanent revocation for a violation described in subsection (5); otherwise, probation, limitation, denial, suspension, revocation, restitution, or fine.
17 18	Subdivision (b) (xiv) or (b) (xv)	Permanent revocation.
19 20	Subdivision (c) (i)	Denial, revocation, suspension, probation, limitation, or fine.
21 22	Subdivision (c) (ii)	Denial, suspension, revocation, restitution, or fine.

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1	Subdivision (c) (iii)	Probation, denial, suspension,
2		revocation, restitution, or fine.
3	Subdivision (c) (iv)	Fine, probation, denial,
4	or (d) (iii)	suspension, revocation, permanent
5		revocation, or restitution.
6	Subdivision (d) (i)	Reprimand, fine, probation,
7	or (d) (ii)	denial, or restitution.
8	Subdivision (e) (i),	Reprimand, fine, probation,
9	(e) (iii), (e) (iv), (e) (v),	limitation, suspension,
10	(h), or <del>(s)</del> (r)	revocation, permanent revocation,
11		denial, or restitution.
12	Subdivision (e) (ii)	Reprimand, probation, suspension,
13	or (i)	revocation, permanent
14		revocation, restitution,
15		denial, or fine.
16	Subdivision (e) (vi),	Probation, suspension, revocation,
17	(e) (vii), or (e) (viii)	limitation, denial,
18		restitution, or fine.
19	Subdivision (f)	Reprimand, denial, limitation,
20		probation, or fine.
21	Subdivision (g)	Reprimand or fine.

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1           Subdivision (j)                           Suspension or fine.

2           Subdivision (k), ~~(p)~~, **(o)**,       Reprimand, probation, suspension,

3           or ~~(r)~~ **(q)**                           revocation, permanent revocation,

4   or fine.

5           Subdivision (l)                           Reprimand, denial, or

6   limitation.

7           Subdivision (m) or ~~(e)~~ **(n)**       Denial, revocation, restitution,

8   probation, suspension,

9   limitation, reprimand, or fine.

10          ~~Subdivision (n)~~                   ~~Revocation or denial.~~

11          Subdivision ~~(q)~~ **(p)**               Revocation.

12          Subdivision ~~(t)~~ **(s)**               Revocation, permanent revocation,

13   fine, or restitution.

14          Subdivision ~~(u)~~ **(t)**               Denial, revocation, probation,

15   suspension, limitation, reprimand,

16   or fine.

17          Subdivision ~~(v)~~ **(u)** or        Probation, limitation, denial,

18          ~~(x)~~ **(w)**

19   fine, suspension, revocation, or

20   permanent revocation.

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1 or a treatment program, a mental, physical, or professional  
 2 competence examination, or a combination of those programs and  
 3 examinations.

4 (5) A disciplinary subcommittee shall impose the sanction of  
 5 permanent revocation for a violation of section 16221(b) ~~(xiii)~~ if the  
 6 violation occurred while the licensee or registrant was acting  
 7 within the health profession for which the licensee or registrant  
 8 was licensed or registered.

9 (6) Except as otherwise provided in subsection (5) and this  
 10 subsection, a disciplinary subcommittee shall not impose the  
 11 sanction of permanent revocation under this section without a  
 12 finding that the licensee or registrant engaged in a pattern of  
 13 intentional acts of fraud or deceit resulting in personal financial  
 14 gain to the licensee or registrant and harm to the health of  
 15 patients under the licensee's or registrant's care. This subsection  
 16 does not apply if a disciplinary subcommittee finds that a licensee  
 17 or registrant has violated section 16221(b) ~~(xiv)~~ or ~~(b) (xv)~~.

18 (7) A disciplinary subcommittee shall impose a fine of not  
 19 more than \$250.00 for each violation of section ~~16221(y)~~ **16221(x)**.

20 Sec. 16245. (1) Except as otherwise provided in this section  
 21 or section 16245a, an individual whose license is limited,  
 22 suspended, or revoked under this part may apply to ~~his or her~~ **the**  
 23 **individual's** board or task force for a reinstatement of a revoked  
 24 or suspended license or reclassification of a limited license  
 25 pursuant to section 16247 or 16249.

26 (2) Except as otherwise provided in this section or section  
 27 16245a, an individual whose registration is suspended or revoked  
 28 under this part may apply to ~~his or her~~ **the individual's** board for  
 29 a reinstatement of a suspended or revoked registration pursuant to

1 section 16248.

2 (3) A board or task force shall reinstate a license or  
3 registration suspended for grounds stated in section 16221(j) ~~upon~~  
4 **on** payment of the installment.

5 (4) Except as otherwise provided in this section or section  
6 16245a, in case of a revoked license or registration, an applicant  
7 shall not apply for reinstatement before the expiration of 3 years  
8 after the effective date of the revocation. Except as otherwise  
9 provided in this section or section 16245a, in the case of a  
10 license or registration that was revoked for a violation of section  
11 16221(b) (vii) or (xiii), a violation of section 16221(c) (iv) consisting  
12 of a felony conviction, any other felony conviction involving a  
13 controlled substance, or a violation of section ~~16221(q)~~, **16221 (p)** ,  
14 an applicant shall not apply for reinstatement before the  
15 expiration of 5 years after the effective date of the revocation.  
16 The department shall return an application for reinstatement  
17 received before the expiration of the applicable time period under  
18 this subsection.

19 (5) The department shall provide an opportunity for a hearing  
20 before final rejection of an application for reinstatement unless  
21 the application is returned because the applicant is ineligible for  
22 reinstatement under subsection (4) or (9).

23 (6) Based ~~upon~~**on** the recommendation of the disciplinary  
24 subcommittee for each health profession, the department shall adopt  
25 guidelines to establish specific criteria to be met by an applicant  
26 for reinstatement under this article, article 7, or article 8. The  
27 criteria may include corrective measures or remedial education as a  
28 condition of reinstatement. If a board or task force, in  
29 reinstating a license or registration, deviates from the guidelines

1 adopted under this subsection, the board or task force shall state  
2 the reason for the deviation on the record.

3 (7) An individual who seeks reinstatement or reclassification  
4 of a license or registration under this section shall pay the  
5 application processing fee as a reinstatement or reclassification  
6 fee. If approved for reinstatement or reclassification, the  
7 individual shall pay the per year license or registration fee for  
8 the applicable license or registration period.

9 (8) An individual who seeks reinstatement of a revoked or  
10 suspended license or reclassification of a limited license under  
11 this section shall have a criminal history check conducted in  
12 accordance with section 16174 and submit a copy of the results of  
13 the criminal history check to the board with ~~his or her~~ **the**  
14 **individual's** application for reinstatement or reclassification.

15 (9) An individual whose license is permanently revoked under  
16 section 16221 is ineligible for reinstatement. The department shall  
17 return an application for reinstatement received if the applicant  
18 is ineligible for reinstatement under this subsection.

19 Sec. 16299. (1) Except as otherwise provided in subsection  
20 (2), a person who violates or aids or abets another in a violation  
21 of this article, other than those matters described in sections  
22 16294 and 16296, is guilty of a misdemeanor punishable as follows:

23 (a) For the first offense, by imprisonment for not more than  
24 90 days or a fine of not more than \$100.00, or both.

25 (b) For the second or subsequent offense, by imprisonment for  
26 not more than 6 months or a fine of not less than \$200.00 nor more  
27 than \$500.00, or both.

28 (2) Subsection (1) does not apply to a violation of section  
29 17015, 17015a, ~~17017,~~ **or** 17515, ~~or 17517~~ or to a violation of this

1 article for which another criminal penalty is specifically  
2 prescribed.

3 Sec. 17015. (1) Subject to subsection (10), a physician shall  
4 not perform an abortion otherwise permitted by law without the  
5 patient's informed written consent, given freely and without  
6 coercion to abort.

7 (2) For purposes of this section and section 17015a:

8 (a) "Abortion" means the intentional use of an instrument,  
9 drug, or other substance or device to terminate a woman's pregnancy  
10 for a purpose other than to increase the probability of a live  
11 birth, to preserve the life or health of the child after live  
12 birth, or to remove a fetus that has died as a result of natural  
13 causes, accidental trauma, or a criminal assault on the pregnant  
14 woman. Abortion does not include the use or prescription of a drug  
15 or device intended as a contraceptive.

16 (b) "Coercion to abort" means an act committed with the intent  
17 to coerce an individual to have an abortion, which act is  
18 prohibited by section 213a of the Michigan penal code, 1931 PA 328,  
19 MCL 750.213a.

20 (c) "Domestic violence" means that term as defined in section  
21 1 of 1978 PA 389, MCL 400.1501.

22 (d) "Fetus" means an individual organism of the species ~~homo~~  
23 **Homo sapiens** in utero.

24 (e) "Local health department representative" means ~~a person~~ **an**  
25 **individual** who meets 1 or more of the licensing requirements listed  
26 in subdivision (h) and who is employed by, or under contract to  
27 provide services on behalf of, a local health department.

28 (f) "Medical emergency" means ~~that a~~ condition which, on the  
29 basis of the physician's ~~good faith~~ **good-faith** clinical judgment,

1 so complicates the medical condition of a pregnant ~~woman~~**individual**  
2 as to necessitate the immediate abortion of ~~her~~**the individual's**  
3 pregnancy to avert ~~her~~**the individual's** death or for which a delay  
4 will create serious risk of substantial and irreversible impairment  
5 of a major bodily function.

6 (g) "Medical service" means the provision of a treatment,  
7 procedure, medication, examination, diagnostic test, assessment, or  
8 counseling, including, but not limited to, a pregnancy test,  
9 ultrasound, pelvic examination, or an abortion.

10 (h) "Qualified person assisting the physician" means another  
11 physician or a physician's assistant licensed under this part or  
12 part 175, a fully licensed or limited licensed psychologist  
13 licensed under part 182, a professional counselor licensed under  
14 part 181, a registered professional nurse or a licensed practical  
15 nurse licensed under part 172, or a social worker licensed under  
16 part 185.

17 (i) "Probable gestational age of the fetus" means the  
18 gestational age of the fetus at the time an abortion is planned to  
19 be performed.

20 (j) "Provide the patient with a physical copy" means  
21 confirming that the patient accessed the internet website described  
22 in subsection (5) and received a printed valid confirmation form  
23 from the website and including that form in the patient's medical  
24 record or giving a patient a copy of a required document by 1 or  
25 more of the following means:

26 (i) In person.

27 (ii) By registered mail, return receipt requested.

28 (iii) By parcel delivery service that requires the recipient to  
29 provide a signature in order to receive delivery of a parcel.

1 (iv) By facsimile transmission.

2 (3) Subject to subsection (10), a physician or a qualified  
3 person assisting the physician shall do all of the following not  
4 less than 24 hours before that physician performs an abortion upon  
5 a patient who is ~~a pregnant: woman:~~

6 (a) Confirm that, according to the best medical judgment of a  
7 physician, the patient is pregnant, and determine the probable  
8 gestational age of the fetus.

9 (b) Orally describe, in language designed to be understood by  
10 the patient, taking into account ~~her~~**the patient's** age, level of  
11 maturity, and intellectual capability, each of the following:

12 (i) The probable gestational age of the fetus ~~she~~**the patient**  
13 is carrying.

14 (ii) Information about what to do and whom to contact should  
15 medical complications arise from the abortion.

16 (iii) Information about how to obtain pregnancy prevention  
17 information through the department of ~~community~~**and human**  
18 **services.**

19 (c) Provide the patient with a physical copy of the written  
20 standardized summary described in subsection (11)(b) that  
21 corresponds to the procedure the patient will undergo and is  
22 provided by the department of ~~community~~**and human services.**  
23 If the procedure has not been recognized by the department **of**  
24 **health and human services**, but is otherwise allowed under Michigan  
25 law, and the department **of health and human services** has not  
26 provided a written standardized summary for that procedure, the  
27 physician shall develop and provide a written summary that  
28 describes the procedure, any known risks or complications of the  
29 procedure, and risks associated with live birth and meets the

1 requirements of subsection (11) (b) (iii) through (vii) .

2 (d) Provide the patient with a physical copy of a medically  
3 accurate depiction, illustration, or photograph and description of  
4 a fetus supplied by the department of ~~community~~-health **and human**  
5 **services** pursuant to subsection (11) (a) at the gestational age  
6 nearest the probable gestational age of the patient's fetus.

7 (e) Provide the patient with a physical copy of the prenatal  
8 care and parenting information pamphlet distributed by the  
9 department of ~~community~~-health **and human services** under section  
10 9161.

11 (f) Provide the patient with a physical copy of the  
12 prescreening summary on prevention of coercion to abort described  
13 in subsection (11) (i) .

14 (4) The requirements of subsection (3) may be fulfilled by the  
15 physician or a qualified person assisting the physician at a  
16 location other than the health facility where the abortion is to be  
17 performed. The requirement of subsection (3) (a) that a patient's  
18 pregnancy be confirmed may be fulfilled by a local health  
19 department under subsection (18) . The requirements of subsection  
20 (3) cannot be fulfilled by the patient accessing an internet  
21 website other than the internet website that is maintained and  
22 operated by the department **of health and human services** under  
23 subsection (11) (g) .

24 (5) The requirements of subsection (3) (c) through (f) may be  
25 fulfilled by a patient accessing the internet website that is  
26 maintained and operated by the department **of health and human**  
27 **services** under subsection (11) (g) and receiving a printed, valid  
28 confirmation form from the website that the patient has reviewed  
29 the information required in subsection (3) (c) through (f) at least

1 24 hours before an abortion being performed on the patient. The  
2 website ~~shall~~**must** not require any information be supplied by the  
3 patient. The department **of health and human services** shall not  
4 track, compile, or otherwise keep a record of information that  
5 would identify a patient who accesses this website. The patient  
6 shall supply the valid confirmation form to the physician or  
7 qualified person assisting the physician to be included in the  
8 patient's medical record to comply with this subsection.

9 (6) Subject to subsection (10), before obtaining the patient's  
10 signature on the acknowledgment and consent form, a physician  
11 personally and in the presence of the patient shall do all of the  
12 following:

13 (a) Provide the patient with the physician's name, confirm  
14 with the patient that the coercion to abort screening required  
15 under section 17015a was performed, and inform the patient of ~~her~~  
16 **the** right to withhold or withdraw ~~her~~ consent to the abortion at  
17 any time before performance of the abortion.

18 (b) Orally describe, in language designed to be understood by  
19 the patient, taking into account ~~her~~**the patient's** age, level of  
20 maturity, and intellectual capability, each of the following:

21 (i) The specific risk, if any, to the patient of the  
22 complications that have been associated with the procedure the  
23 patient will undergo, based on the patient's particular medical  
24 condition and history as determined by the physician.

25 (ii) The specific risk of complications, if any, to the patient  
26 if ~~she~~**the patient** chooses to continue the pregnancy based on the  
27 patient's particular medical condition and history as determined by  
28 a physician.

29 (7) To protect a patient's privacy, the information set forth

1 in subsection (3) and subsection (6) ~~shall~~**must** not be disclosed to  
2 the patient in the presence of another patient.

3 (8) If at any time before the performance of an abortion, a  
4 patient undergoes an ultrasound examination, or a physician  
5 determines that ultrasound imaging will be used during the course  
6 of a patient's abortion, the physician or qualified person  
7 assisting the physician shall provide the patient with the  
8 opportunity to view or decline to view an active ultrasound image  
9 of the fetus, and offer to provide the patient with a physical  
10 picture of the ultrasound image of the fetus before the performance  
11 of the abortion. After the expiration of the 24-hour period  
12 prescribed under subsection (3) but before performing an abortion  
13 on a patient who is ~~a pregnant, woman,~~ a physician or a qualified  
14 person assisting the physician shall do all of the following:

15 (a) Obtain the patient's signature on the acknowledgment and  
16 consent form described in subsection (11)(c) confirming that ~~she~~  
17 **the patient** has received the information required under subsection  
18 (3).

19 (b) Provide the patient with a physical copy of the signed  
20 acknowledgment and consent form described in subsection (11)(c).

21 (c) Retain a copy of the signed acknowledgment and consent  
22 form described in subsection (11)(c) and, if applicable, a copy of  
23 the pregnancy certification form completed under subsection  
24 (18)(b), in the patient's medical record.

25 (9) This subsection does not prohibit notifying the patient  
26 that payment for medical services will be required or that  
27 collection of payment in full for all medical services provided or  
28 planned may be demanded after the 24-hour period described in this  
29 subsection has expired. A physician or an agent of the physician

1 shall not collect payment, in whole or in part, for a medical  
 2 service provided to or planned for a patient before the expiration  
 3 of 24 hours from the time the patient has done either or both of  
 4 the following, except in the case of a physician or an agent of a  
 5 physician receiving capitated payments or under a salary  
 6 arrangement for providing those medical services:

7 (a) Inquired about obtaining an abortion after ~~her~~**the**  
 8 **patient's** pregnancy is confirmed and ~~she~~**the patient** has received  
 9 from that physician or a qualified person assisting the physician  
 10 the information required under subsection (3)(c) and (d).

11 (b) Scheduled an abortion to be performed by that physician.

12 (10) If the attending physician, utilizing ~~his or her~~**the**  
 13 **physician's** experience, judgment, and professional competence,  
 14 determines that a medical emergency exists and necessitates  
 15 performance of an abortion before the requirements of subsections  
 16 (1), (3), and (6) can be met, the physician is exempt from the  
 17 requirements of subsections (1), (3), and (6), may perform the  
 18 abortion, and shall maintain a written record identifying with  
 19 specificity the medical factors upon which the determination of the  
 20 medical emergency is based.

21 (11) The department of ~~community health~~ **and human services**  
 22 shall do each of the following:

23 (a) Produce medically accurate depictions, illustrations, or  
 24 photographs of the development of a human fetus that indicate by  
 25 scale the actual size of the fetus at 2-week intervals from the  
 26 fourth week through the twenty-eighth week of gestation. Each  
 27 depiction, illustration, or photograph ~~shall~~**must** be accompanied by  
 28 a printed description, in nontechnical English, Arabic, and  
 29 Spanish, of the probable anatomical and physiological

1 characteristics of the fetus at that particular state of  
2 gestational development.

3 (b) Subject to subdivision (e), develop, draft, and print, in  
4 nontechnical English, Arabic, and Spanish, written standardized  
5 summaries, based upon the various medical procedures used to abort  
6 pregnancies, that do each of the following:

7 (i) Describe, individually and on separate documents, those  
8 medical procedures used to perform abortions in this state that are  
9 recognized by the department **of health and human services**.

10 (ii) Identify the physical complications that have been  
11 associated with each procedure described in subparagraph (i) and  
12 with live birth, as determined by the department. In identifying  
13 these complications, the department shall consider ~~the annual~~  
14 ~~statistical report required under section 2835, and shall consider~~  
15 studies concerning complications that have been published in a peer  
16 review medical journal, with particular attention paid to the  
17 design of the study, and shall consult with the ~~federal centers~~  
18 **Centers** for ~~disease control~~ **Disease Control** and ~~prevention,~~  
19 **Prevention**, the American ~~congress~~ **Congress** of ~~obstetricians~~  
20 **Obstetricians** and ~~gynecologists,~~ **Gynecologists**, the Michigan ~~state~~  
21 ~~medical society,~~ **State Medical Society**, or any other source that  
22 the department **of health and human services** determines appropriate  
23 for the purpose.

24 (iii) State that as the result of an abortion, some ~~women~~  
25 **individuals** may experience depression, feelings of guilt, sleep  
26 disturbance, loss of interest in work or sex, or anger, and that if  
27 these symptoms occur and are intense or persistent, professional  
28 help is recommended.

29 (iv) State that not all of the complications listed in

1 subparagraph (ii) may pertain to that particular patient and refer  
2 the patient to ~~her~~**the patient's** physician for more personalized  
3 information.

4 (v) Identify services available through public agencies to  
5 assist the patient during ~~her~~**the patient's** pregnancy and after the  
6 birth of ~~her~~**the** child, should ~~she~~**the patient** choose to give birth  
7 and maintain custody of ~~her~~**the** child.

8 (vi) Identify services available through public agencies to  
9 assist the patient in placing ~~her~~**the** child in an adoptive or  
10 foster home, should ~~she~~**the patient** choose to give birth but not  
11 maintain custody of ~~her~~**the** child.

12 (vii) Identify services available through public agencies to  
13 assist the patient and provide counseling should ~~she~~**the patient**  
14 experience subsequent adverse psychological effects from the  
15 abortion.

16 (c) Develop, draft, and print, in nontechnical English,  
17 Arabic, and Spanish, an acknowledgment and consent form that  
18 includes only the following language above a signature line for the  
19 patient:

20 "I, \_\_\_\_\_ , voluntarily and willfully  
21 hereby authorize Dr. \_\_\_\_\_ ("the physician") and any  
22 assistant designated by the physician to perform upon me the  
23 following operation(s) or procedure(s):

24 \_\_\_\_\_  
25 (Name of operation(s) or procedure(s))

26 \_\_\_\_\_  
27 A. I understand that I am approximately \_\_\_\_\_ weeks pregnant.  
28 I consent to an abortion procedure to terminate my pregnancy. I  
29 understand that I have the right to withdraw my consent to the

1 abortion procedure at any time before performance of that  
2 procedure.

3 B. I understand that it is illegal for anyone to coerce me  
4 into seeking an abortion.

5 C. I acknowledge that at least 24 hours before the scheduled  
6 abortion I have received a physical copy of each of the following:

7 1. A medically accurate depiction, illustration, or photograph  
8 of a fetus at the probable gestational age of the fetus I am  
9 carrying.

10 2. A written description of the medical procedure that will be  
11 used to perform the abortion.

12 3. A prenatal care and parenting information pamphlet.

13 D. If any of the documents listed in paragraph C were  
14 transmitted by facsimile, I certify that the documents were clear  
15 and legible.

16 E. I acknowledge that the physician who will perform the  
17 abortion has orally described all of the following to me:

18 1. The specific risk to me, if any, of the complications that  
19 have been associated with the procedure I am scheduled to undergo.

20 2. The specific risk to me, if any, of the complications if I  
21 choose to continue the pregnancy.

22 F. I acknowledge that I have received all of the following  
23 information:

24 1. Information about what to do and whom to contact in the  
25 event that complications arise from the abortion.

26 2. Information pertaining to available pregnancy related  
27 services.

28 G. I have been given an opportunity to ask questions about the  
29 operation(s) or procedure(s).

1           H. I certify that I have not been required to make any  
2 payments for an abortion or any medical service before the  
3 expiration of 24 hours after I received the written materials  
4 listed in paragraph C, or 24 hours after the time and date listed  
5 on the confirmation form if the information described in paragraph  
6 C was viewed from the state of Michigan internet website.".

7           (d) Make available to physicians through the ~~Michigan board of~~  
8 ~~medicine~~ and the Michigan board of osteopathic medicine and  
9 surgery, and to any person upon request, the copies of medically  
10 accurate depictions, illustrations, or photographs described in  
11 subdivision (a), the written standardized summaries described in  
12 subdivision (b), the acknowledgment and consent form described in  
13 subdivision (c), the prenatal care and parenting information  
14 pamphlet described in section 9161, the pregnancy certification  
15 form described in subdivision (f), and the materials regarding  
16 coercion to abort described in subdivision (i).

17           (e) ~~The department shall not develop~~ **In developing the** written  
18 standardized summaries for abortion procedures under subdivision  
19 (b), ~~that utilize~~ **include in the summaries only** medication that has  
20 ~~not been approved by the United States food and drug administration~~  
21 **Food and Drug Administration** for use in performing an abortion.

22           (f) Develop, draft, and print a certification form to be  
23 signed by a local health department representative at the time and  
24 place a patient has a pregnancy confirmed, as requested by the  
25 patient, verifying the date and time the pregnancy is confirmed.

26           (g) Develop, operate, and maintain an internet website that  
27 allows a patient considering an abortion to review the information  
28 required in subsection (3)(c) through (f). After the patient  
29 reviews the required information, the department **of health and**

1 **human services** shall ~~assure~~**ensure** that a confirmation form can be  
 2 printed by the patient from the internet website that will verify  
 3 the time and date the information was reviewed. A confirmation form  
 4 printed under this subdivision becomes invalid 14 days after the  
 5 date and time printed on the confirmation form.

6 (h) Include on the informed consent internet website operated  
 7 under subdivision (g) a list of health care providers, facilities,  
 8 and clinics that offer to perform ultrasounds free of charge. The  
 9 list ~~shall~~**must** be organized geographically and ~~shall~~include the  
 10 name, address, and telephone number of each health care provider,  
 11 facility, and clinic.

12 (i) After considering the standards and recommendations of the  
 13 ~~joint commission on accreditation of healthcare organizations,~~  
 14 **Joint Commission on Accreditation of Healthcare Organizations**, the  
 15 Michigan ~~domestic and sexual violence prevention and treatment~~  
 16 ~~board,~~**Domestic and Sexual Violence Prevention and Treatment Board**,  
 17 the Michigan ~~coalition to end domestic and sexual violence~~  
 18 **Coalition to End Domestic and Sexual Violence** or successor  
 19 organization, and the American ~~medical association,~~**Medical**  
 20 **Association**, do all of the following:

21 (i) Develop, draft, and print or make available in printable  
 22 format, in nontechnical English, Arabic, and Spanish, a notice that  
 23 is required to be posted in facilities and clinics under section  
 24 17015a. The notice ~~shall~~**must** be at least 8-1/2 inches by 14  
 25 inches, ~~shall~~be printed in at least 44-point type, and ~~shall~~  
 26 contain at a minimum all of the following:

27 (A) A statement that it is illegal under Michigan law to  
 28 coerce ~~a woman~~**an individual** to have an abortion.

29 (B) A statement that help is available if ~~a woman~~**an**

1 **individual** is being threatened or intimidated; is being physically,  
2 emotionally, or sexually harmed; or feels afraid for any reason.

3 (C) The telephone number of at least 1 domestic violence  
4 hotline and 1 sexual assault hotline.

5 (ii) Develop, draft, and print or make available in printable  
6 format, in nontechnical English, Arabic, and Spanish, a  
7 prescreening summary on prevention of coercion to abort that, at a  
8 minimum, contains the information required under subparagraph (i)  
9 and notifies the patient that an oral screening for coercion to  
10 abort will be conducted before ~~her~~ giving written consent to obtain  
11 an abortion.

12 (iii) Develop, draft, and print screening and training tools and  
13 accompanying training materials to be utilized by a physician or  
14 qualified person assisting the physician while performing the  
15 coercion to abort screening required under section 17015a. The  
16 screening tools ~~shall~~**must** instruct the physician or qualified  
17 person assisting the physician to orally communicate information to  
18 the patient regarding coercion to abort and to document the  
19 findings from the coercion to abort screening in the patient's  
20 medical record.

21 (iv) Develop, draft, and print protocols and accompanying  
22 training materials to be utilized by a physician or a qualified  
23 person assisting the physician if a patient discloses coercion to  
24 abort or that domestic violence is occurring, or both, during the  
25 coercion to abort screening. The protocols ~~shall~~**must** instruct the  
26 physician or qualified person assisting the physician to do, at a  
27 minimum, all of the following:

28 (A) Follow the requirements of section 17015a as applicable.

29 (B) Assess the patient's current level of danger.

1 (C) Explore safety options with the patient.

2 (D) Provide referral information to the patient regarding law  
3 enforcement and domestic violence and sexual assault support  
4 organizations.

5 (E) Document any referrals in the patient's medical record.

6 (12) A physician's duty to inform the patient under this  
7 section does not require disclosure of information beyond what a  
8 reasonably well-qualified physician licensed under this article  
9 would possess.

10 (13) A written consent form meeting the requirements set forth  
11 in this section and signed by the patient is presumed valid. The  
12 presumption created by this subsection may be rebutted by evidence  
13 that establishes, by a preponderance of the evidence, that consent  
14 was obtained through fraud, negligence, deception,  
15 misrepresentation, coercion, or duress.

16 (14) A completed certification form described in subsection  
17 (11)(f) that is signed by a local health department representative  
18 is presumed valid. The presumption created by this subsection may  
19 be rebutted by evidence that establishes, by a preponderance of the  
20 evidence, that the physician who relied upon the certification had  
21 actual knowledge that the certificate contained a false or  
22 misleading statement or signature.

23 (15) This section does not create a right to abortion.

24 (16) Notwithstanding any other provision of this section, a  
25 person shall not perform an abortion that is prohibited by law.

26 (17) If any portion of this act or the application of this act  
27 to any person or circumstances is found invalid by a court, that  
28 invalidity does not affect the remaining portions or applications  
29 of the act that can be given effect without the invalid portion or

1 application, if those remaining portions are not determined by the  
2 court to be inoperable.

3 (18) Upon a patient's request, ~~each~~**a** local health department  
4 shall **comply with the following**:

5 (a) Provide a pregnancy test for that patient to confirm the  
6 pregnancy as required under subsection (3)(a) and determine the  
7 probable gestational stage of the fetus. The local health  
8 department need not comply with this subdivision if the  
9 requirements of subsection (3)(a) have already been met.

10 (b) If a pregnancy is confirmed, ensure that the patient is  
11 provided with a completed pregnancy certification form described in  
12 subsection (11)(f) at the time the information is provided.

13 (19) The identity and address of a patient who is provided  
14 information or who consents to an abortion pursuant to this section  
15 is confidential and is subject to disclosure only with the consent  
16 of the patient or by judicial process.

17 (20) A local health department with a file containing the  
18 identity and address of a patient described in subsection (19) who  
19 has been assisted by the local health department under this section  
20 shall do both of the following:

21 (a) Only release the identity and address of the patient to a  
22 physician or qualified person assisting the physician in order to  
23 verify the receipt of the information required under this section.

24 (b) Destroy the information containing the identity and  
25 address of the patient within 30 days after assisting the patient  
26 under this section.

27 Sec. 20115. ~~(1)~~The department may promulgate rules to further  
28 define the term "health facility or agency" and the definition of a  
29 health facility or agency listed in section 20106 as required to

1 implement this article. The department may define a specific  
2 organization as a health facility or agency for the sole purpose of  
3 certification authorized under this article. For purpose of  
4 certification only, an organization defined in section 20106(5),  
5 20108(1), or 20109(4) is considered a health facility or agency.  
6 The term "health facility or agency" does not mean a visiting nurse  
7 service or home aide service conducted by and for the adherents of  
8 a church or religious denomination for the purpose of providing  
9 service for those who depend upon spiritual means through prayer  
10 alone for healing.

11 ~~(2) The department shall promulgate rules to differentiate a~~  
12 ~~freestanding surgical outpatient facility from a private office of~~  
13 ~~a physician, dentist, podiatrist, or other health professional. The~~  
14 ~~department shall specify in the rules that a facility including,~~  
15 ~~but not limited to, a private practice office described in this~~  
16 ~~subsection must be licensed under this article as a freestanding~~  
17 ~~surgical outpatient facility if that facility performs 120 or more~~  
18 ~~surgical abortions per year and publicly advertises outpatient~~  
19 ~~abortion services.~~

20 ~~(3) The department shall promulgate rules that in effect~~  
21 ~~republish R 325.3826, R 325.3832, R 325.3835, R 325.3857, R~~  
22 ~~325.3866, R 325.3867, and R 325.3868 of the Michigan administrative~~  
23 ~~code, but shall include in the rules standards for a freestanding~~  
24 ~~surgical outpatient facility or private practice office that~~  
25 ~~performs 120 or more surgical abortions per year and that publicly~~  
26 ~~advertises outpatient abortion services. The department shall~~  
27 ~~assure that the standards are consistent with the most recent~~  
28 ~~United States supreme court decisions regarding state regulation of~~  
29 ~~abortions.~~

1           ~~(4) Subject to section 20145 and part 222, the department may~~  
2 ~~modify or waive 1 or more of the rules contained in R 325.3801 to R~~  
3 ~~325.3877 of the Michigan administrative code regarding construction~~  
4 ~~or equipment standards, or both, for a freestanding surgical~~  
5 ~~outpatient facility that performs 120 or more surgical abortions~~  
6 ~~per year and that publicly advertises outpatient abortion services,~~  
7 ~~if both of the following conditions are met:~~

8           ~~(a) The freestanding surgical outpatient facility was in~~  
9 ~~existence and operating on December 31, 2012.~~

10           ~~(b) The department makes a determination that the existing~~  
11 ~~construction or equipment conditions, or both, within the~~  
12 ~~freestanding surgical outpatient facility are adequate to preserve~~  
13 ~~the health and safety of the patients and employees of the~~  
14 ~~freestanding surgical outpatient facility or that the construction~~  
15 ~~or equipment conditions, or both, can be modified to adequately~~  
16 ~~preserve the health and safety of the patients and employees of the~~  
17 ~~freestanding surgical outpatient facility without meeting the~~  
18 ~~specific requirements of the rules.~~

19           ~~(5) By January 15 each year, the department of community~~  
20 ~~health shall provide the following information to the department of~~  
21 ~~licensing and regulatory affairs:~~

22           ~~(a) From data received by the department of community health~~  
23 ~~through the abortion reporting requirements of section 2835, all of~~  
24 ~~the following:~~

25           ~~(i) The name and location of each facility at which abortions~~  
26 ~~were performed during the immediately preceding calendar year.~~

27           ~~(ii) The total number of abortions performed at that facility~~  
28 ~~location during the immediately preceding calendar year.~~

29           ~~(iii) The total number of surgical abortions performed at that~~

1 ~~facility location during the immediately preceding calendar year.~~

2 ~~(b) Whether a facility at which surgical abortions were~~  
3 ~~performed in the immediately preceding calendar year publicly~~  
4 ~~advertises abortion services.~~

5 ~~(6) As used in this section:~~

6 ~~(a) "Abortion" means that term as defined in section 17015.~~

7 ~~(b) "Publicly advertises" means to advertise using directory~~  
8 ~~or internet advertising including yellow pages, white pages, banner~~  
9 ~~advertising, or electronic publishing.~~

10 ~~(c) "Surgical abortion" means an abortion that is not a~~  
11 ~~medical abortion as that term is defined in section 17017.~~

12 Enacting section 1. Sections 2835, 2836, 2837, 17014, 17016,  
13 17017, 17516, 17517, and 22224 of the public health code, 1978 PA  
14 368, MCL 333.2835, 333.2836, 333.2837, 333.17014, 333.17016,  
15 333.17017, 333.17516, 333.17517, and 333.22224, are repealed.

16 Enacting section 2. This amendatory act does not take effect  
17 unless all of the following bills of the 102nd Legislature are  
18 enacted into law:

19 (a) House Bill No. 4949.

20 (b) House Bill No. 4955.