

# SENATE BILL No. 1293

April 27, 2010, Introduced by Senators GILBERT, JANSEN, BIRKHOLZ, HARDIMAN, McMANUS, PATTERSON, NOFS, SANBORN, ALLEN, STAMAS, VAN WOERKOM, BROWN, KUIPERS, KAHN, GEORGE, GARCIA, JELINEK, BARCIA, GLEASON, CROPSEY, PAPPAGEORGE, OLSHOVE, CASSIS, BISHOP and RICHARDVILLE and referred to the Committee on Health Policy.

A bill to amend 1956 PA 218, entitled  
"The insurance code of 1956,"  
(MCL 500.100 to 500.8302) by adding section 3407c.

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

1           SEC. 3407C. (1) A QUALIFIED HEALTH PLAN OFFERED THROUGH A  
2 STATE EXCHANGE PURSUANT TO THE PATIENT PROTECTION AND AFFORDABLE  
3 CARE ACT, PUBLIC LAW 111-148, SHALL NOT PROVIDE COVERAGE FOR  
4 ELECTIVE ABORTION. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO  
5 PROHIBIT AN INDIVIDUAL, ORGANIZATION, OR EMPLOYER PARTICIPATING IN  
6 A QUALIFIED HEALTH PLAN OFFERED THROUGH A STATE EXCHANGE FROM  
7 PURCHASING OPTIONAL SUPPLEMENTAL COVERAGE FOR ELECTIVE ABORTION  
8 OUTSIDE OF THE EXCHANGE AS PROVIDED IN SUBSECTION (2).

9           (2) AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY  
10 OR CERTIFICATE DELIVERED, ISSUED FOR DELIVERY, OR RENEWED IN THIS

1 STATE AND A HEALTH MAINTENANCE ORGANIZATION GROUP OR INDIVIDUAL  
2 CONTRACT OFFERED OUTSIDE OF A STATE EXCHANGE SHALL NOT PROVIDE  
3 COVERAGE FOR ELECTIVE ABORTIONS EXCEPT BY AN OPTIONAL RIDER FOR  
4 WHICH AN ADDITIONAL PREMIUM HAS BEEN PAID BY THE PURCHASER.

5 (3) AN EMPLOYER MAY PURCHASE AN OPTIONAL RIDER TO PROVIDE  
6 COVERAGE FOR AN ELECTIVE ABORTION IF ALL OF THE FOLLOWING ARE MET:

7 (A) THE COST OF THE RIDER IS NOT FACTORED INTO ANY PREMIUM  
8 AMOUNT FOR WHICH INDIVIDUAL EMPLOYEES CONTRIBUTE A PORTION OF THE  
9 PREMIUM PAID EITHER DIRECTLY OR THROUGH A PAYROLL DEDUCTION.

10 (B) THE EMPLOYER PROVIDES NOTICE TO EACH EMPLOYEE THAT  
11 ELECTIVE ABORTION WILL BE INCLUDED AS A RIDER TO HIS OR HER HEALTH  
12 COVERAGE AND THAT THE COVERAGE CAN BE USED BY A MINOR OR DEPENDENT  
13 FEMALE WITHOUT NOTICE TO THE EMPLOYEE.

14 (4) THIS SECTION DOES NOT REQUIRE AN INSURER, HEALTH  
15 MAINTENANCE ORGANIZATION, OR EMPLOYER TO PROVIDE OR OFFER TO  
16 PROVIDE AN OPTIONAL RIDER FOR ELECTIVE ABORTION COVERAGE.

17 (5) THIS SECTION DOES NOT APPLY TO BENEFITS PROVIDED UNDER  
18 TITLE XIX OF THE SOCIAL SECURITY ACT, 42 USC 1396-1 TO 1396W-5.

19 (6) THIS SECTION DOES NOT CREATE A RIGHT TO ABORTION.

20 (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A  
21 PERSON SHALL NOT PERFORM AN ABORTION THAT IS PROHIBITED BY LAW.

22 (8) THIS SECTION APPLIES TO POLICIES, CERTIFICATES, OR  
23 CONTRACTS DELIVERED, ISSUED FOR DELIVERY, OR RENEWED IN THIS STATE  
24 ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION.

25 (9) AS USED IN THIS SECTION:

26 (A) "ELECTIVE ABORTION" MEANS THE INTENTIONAL USE OF AN  
27 INSTRUMENT, DRUG, OR OTHER SUBSTANCE OR DEVICE TO TERMINATE A

1 WOMAN'S PREGNANCY FOR A PURPOSE OTHER THAN TO INCREASE THE  
2 PROBABILITY OF A LIVE BIRTH, TO PRESERVE THE LIFE OR HEALTH OF THE  
3 CHILD AFTER LIVE BIRTH, OR TO REMOVE A DEAD FETUS. ELECTIVE  
4 ABORTION DOES NOT INCLUDE EITHER OF THE FOLLOWING:

5 (i) THE PRESCRIPTION OF OR USE OF A DRUG OR DEVICE INTENDED AS  
6 A CONTRACEPTIVE.

7 (ii) THE INTENTIONAL USE OF AN INSTRUMENT, DRUG, OR OTHER  
8 SUBSTANCE OR DEVICE BY A PHYSICIAN TO TERMINATE A WOMAN'S PREGNANCY  
9 IF THE WOMAN'S PHYSICAL CONDITION, IN THE PHYSICIAN'S REASONABLE  
10 MEDICAL JUDGMENT, NECESSITATES THE TERMINATION OF THE WOMAN'S  
11 PREGNANCY TO AVERT HER DEATH.

12 (B) "QUALIFIED HEALTH PLAN" MEANS THAT TERM AS DEFINED IN  
13 SECTION 1301 OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT,  
14 PUBLIC LAW 111-148.

15 (C) "PHYSICIAN" MEANS AN INDIVIDUAL LICENSED TO ENGAGE IN THE  
16 PRACTICE OF ALLOPATHIC MEDICINE OR THE PRACTICE OF OSTEOPATHIC  
17 MEDICINE AND SURGERY UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE,  
18 1978 PA 368, MCL 333.16101 TO 333.18838.