

# HOUSE BILL No. 5155

June 25, 2009, Introduced by Reps. Warren, Bledsoe, Liss, Smith, Valentine, Byrnes, Haase, Miller, Donigan, Roberts, Slavens, Lipton, Hammel, Barnett, Kennedy, Lisa Brown, Bauer, Robert Jones, Geiss, Gonzales, Haugh, Coulouris and Meadows and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 20190.

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

1           SEC. 20190. (1) BEFORE THE EXPIRATION OF 30 DAYS AFTER THE  
2 EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL PREPARE AND  
3 DISTRIBUTE TO HEALTH FACILITIES AND AGENCIES THAT PROVIDE EMERGENCY  
4 OR URGENT CARE MEDICALLY AND FACTUALLY ACCURATE WRITTEN INFORMATION  
5 ABOUT EMERGENCY CONTRACEPTION. ON AND AFTER THE EXPIRATION OF 30  
6 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, A HEALTH FACILITY OR  
7 AGENCY THAT PROVIDES EMERGENCY OR URGENT CARE SHALL PROVIDE TO ALL  
8 PERSONS WHO PROVIDE CARE TO VICTIMS OF CRIMINAL SEXUAL CONDUCT IN  
9 THAT FACILITY THE WRITTEN INFORMATION ABOUT EMERGENCY CONTRACEPTION

1 PREPARED UNDER THIS SUBSECTION.

2 (2) A HEALTH FACILITY OR AGENCY THAT PROVIDES EMERGENCY OR  
3 URGENT CARE SHALL PROMPTLY PROVIDE TO A PATIENT WHO IS A FEMALE  
4 VICTIM OF CRIMINAL SEXUAL CONDUCT AND WHO IS OF CHILDBEARING AGE A  
5 COPY OF THE WRITTEN INFORMATION ABOUT EMERGENCY CONTRACEPTION  
6 PREPARED UNDER SUBSECTION (1) AND SHALL PROMPTLY OFFER EMERGENCY  
7 CONTRACEPTION TO THAT FEMALE VICTIM. IF THE FEMALE VICTIM OF  
8 CRIMINAL SEXUAL CONDUCT WHO IS OF CHILDBEARING AGE REQUESTS  
9 EMERGENCY CONTRACEPTION, THE HEALTH FACILITY OR AGENCY SHALL  
10 ADMINISTER EMERGENCY CONTRACEPTION TO THAT FEMALE VICTIM.

11 (3) A HEALTH FACILITY OR AGENCY THAT ADMINISTERS EMERGENCY  
12 CONTRACEPTION UNDER SUBSECTION (2) SHALL ANNUALLY REPORT TO THE  
13 DEPARTMENT THE NUMBER OF TIMES EMERGENCY CONTRACEPTION IS  
14 ADMINISTERED TO VICTIMS OF CRIMINAL SEXUAL CONDUCT UNDER THIS  
15 SECTION. A HEALTH FACILITY OR AGENCY SHALL NOT IDENTIFY ANY  
16 INDIVIDUAL PATIENT IN A REPORT MADE UNDER THIS SECTION. A REPORT  
17 MADE UNDER THIS SECTION IS CONFIDENTIAL AND IS NOT SUBJECT TO  
18 PUBLIC DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA  
19 442, MCL 15.231 TO 15.246.

20 (4) THE DEPARTMENT MAY PROMULGATE RULES NECESSARY TO  
21 ADMINISTER THIS SECTION AND SHALL PROMULGATE RULES NECESSARY TO  
22 CARRY OUT THE ANNUAL REPORTING REQUIREMENT OF SUBSECTION (3).

23 (5) AS USED IN THIS SECTION:

24 (A) "EMERGENCY CONTRACEPTION" MEANS A DRUG, MEDICINE, ORAL  
25 HORMONAL COMPOUND, MIXTURE, PREPARATION, INSTRUMENT, ARTICLE, OR  
26 DEVICE THAT IS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION  
27 AND THAT PREVENTS A PREGNANCY AFTER SEXUAL INTERCOURSE. EMERGENCY

1 CONTRACEPTION DOES NOT INCLUDE A DRUG, MEDICINE, ORAL HORMONAL  
2 COMPOUND, MIXTURE, PREPARATION, INSTRUMENT, ARTICLE, OR DEVICE OF  
3 ANY NATURE THAT IS PRESCRIBED TO TERMINATE THE PREGNANCY OF A  
4 FEMALE.

5 (B) "VICTIM OF CRIMINAL SEXUAL CONDUCT" MEANS A VICTIM OF  
6 CRIMINAL SEXUAL CONDUCT UNDER SECTIONS 520A TO 520I OF THE MICHIGAN  
7 PENAL CODE, 1931 PA 328, MCL 750.520A TO 750.520I.