

HOUSE BILL No. 5644

June 10, 2014, Introduced by Reps. Hooker, Kurtz, Rendon, Genetski, Heise, Zorn, Lauwers, Johnson, Haveman, Olumba, Potvin, Outman, Yonker, Goike, Muxlow, McMillin and Callton and referred to the Committee on Health Policy.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 90i.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 90I. (1) EXCEPT AS PROVIDED IN THIS SECTION, A PHYSICIAN
2 SHALL NOT PERFORM AN ABORTION ON A PREGNANT WOMAN WHO IS CARRYING A
3 FETUS WHOSE HEARTBEAT HAS BEEN DETECTED IN THE TEST REQUIRED UNDER
4 SECTION 17015B OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
5 333.17015B.

6 (2) IT IS NOT A VIOLATION OF SUBSECTION (1) IF ANY OF THE
7 FOLLOWING APPLY:

8 (A) IN THE PHYSICIAN'S REASONABLE MEDICAL JUDGMENT,
9 PERFORMANCE OF AN ABORTION IS NECESSARY TO SAVE THE LIFE OF A
10 MOTHER WHOSE LIFE IS ENDANGERED BY A PHYSICAL DISORDER, PHYSICAL
11 ILLNESS, OR PHYSICAL INJURY. A PHYSICIAN WHO PERFORMS AN ABORTION

1 UNDER THIS SUBDIVISION SHALL DECLARE IN WRITING, UNDER PENALTY OF
2 PERJURY, THAT THE ABORTION IS NECESSARY IN THE PHYSICIAN'S
3 REASONABLE MEDICAL JUDGMENT TO PREVENT THE DEATH OF THE PREGNANT
4 WOMAN. THE PHYSICIAN SHALL PLACE THE WRITTEN DECLARATION IN THE
5 PREGNANT WOMAN'S MEDICAL RECORD.

6 (B) THE PHYSICIAN HAS PERFORMED AN EXAMINATION FOR THE
7 PRESENCE OF A FETAL HEARTBEAT UTILIZING STANDARD MEDICAL PRACTICE
8 AND THE EXAMINATION DOES NOT REVEAL A FETAL HEARTBEAT.

9 (C) THE PHYSICIAN HAS BEEN INFORMED BY ANOTHER PHYSICIAN WHO
10 HAS PERFORMED THE EXAMINATION FOR A FETAL HEARTBEAT THAT THE
11 EXAMINATION DID NOT REVEAL A FETAL HEARTBEAT.

12 (3) THIS SECTION DOES NOT PROHIBIT THE SALE, USE,
13 PRESCRIPTION, OR ADMINISTRATION OF A DEVICE, DRUG, OR CHEMICAL
14 DESIGNED FOR CONTRACEPTIVE PURPOSES.

15 (4) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A FELONY
16 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF
17 NOT MORE THAN \$50,000.00, OR BOTH.

18 (5) THIS SECTION DOES NOT CREATE A RIGHT TO ABORTION.

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

21 (7) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REPEAL OR
22 AMEND, EXPLICITLY OR BY IMPLICATION, ANY PROVISION OF LAW
23 PROHIBITING OR REGULATING ABORTION, INCLUDING, BUT NOT LIMITED TO,
24 SECTION 14, 15, 322, OR 323.

25 (8) AS USED IN THIS SECTION:

26 (A) "ABORTION" MEANS THAT TERM AS DEFINED IN SECTION 17015 OF
27 THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.17015.

1 (B) "PHYSICIAN" MEANS AN INDIVIDUAL LICENSED BY THIS STATE TO
2 ENGAGE IN THE PRACTICE OF MEDICINE OR THE PRACTICE OF OSTEOPATHIC
3 MEDICINE AND SURGERY UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE,
4 1978 PA 368, MCL 333.16101 TO 333.18838.

5 Enacting section 1. This amendatory act does not take effect
6 unless Senate Bill No.____ or House Bill No. 5643 (request no.
7 03558'13 *) of the 97th Legislature is enacted into law.