SENATE BILL No. 573

October 21, 2015, Introduced by Senators EMMONS, COLBECK, JONES, SHIRKEY, BOOHER, BRANDENBURG, ZORN, ROBERTSON, PAVLOV, MARLEAU, HUNE and PROOS and referred to the Committee on Oversight.

A bill to amend 1978 PA 368, entitled "Public health code,"
by amending section 20115 (MCL 333.20115), as amended by 2012 PA 499.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 20115. (1) The department may promulgate rules to further define the term "health facility or agency" and the definition of a health facility or agency listed in section 20106 as required to implement this article. The department may define a specific organization as a health facility or agency for the sole purpose of certification authorized under this article. For purpose of certification only, an organization defined in section 20106(5), 20108(1), or 20109(4) is considered a health facility or agency.

The term "health facility or agency" does not mean a visiting nurse...
service or home aide service conducted by and for the adherents of a church or religious denomination for the purpose of providing service for those who depend upon spiritual means through prayer alone for healing.

(2) The department shall promulgate rules to differentiate a freestanding surgical outpatient facility from a private office of a physician, dentist, podiatrist, or other health professional. The department shall specify in the rules that a facility including, but not limited to, a private practice office described in this subsection must be licensed under this article as a freestanding surgical outpatient facility if that facility performs 120 or more surgical abortions per year and publicly advertises outpatient abortion services. **THE DEPARTMENT SHALL ALSO SPECIFY IN THE RULES** THAT A FACILITY THAT MUST BE LICENSED AS A FREESTANDING SURGICAL OUTPATIENT FACILITY UNDER THIS SUBSECTION SHALL NOT CONTINUE TO PERFORM SURGICAL ABORTIONS UNTIL IT OBTAINS A LICENSE FROM THE DEPARTMENT.

(3) The department shall promulgate rules that in effect republish R 325.3826, R 325.3832, R 325.3835, R 325.3857, R 325.3866, R 325.3867, and R 325.3868 of the Michigan administrative code, but shall include in the rules standards for a freestanding surgical outpatient facility or private practice office that performs 120 or more surgical abortions per year and that publicly advertises outpatient abortion services. The department shall ensure that the standards are consistent with the most recent United States **SUPREME COURT** decisions regarding state regulation of abortions.
(4) Subject to section 20145 and part 222, the department may modify or waive 1 or more of the rules contained in R 325.3801 to R 325.3877 of the Michigan administrative code regarding construction or equipment standards, or both, for a freestanding surgical outpatient facility that performs 120 or more surgical abortions per year and that publicly advertises outpatient abortion services, if both of the following conditions are met:

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

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

(5) By January 15 each year, the department of community health AND HUMAN SERVICES shall provide the following information to the department of licensing and regulatory affairs:

(a) From data received by the department of community health AND HUMAN SERVICES through the abortion reporting requirements of section 2835, all of the following:

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

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

(iii) The total number of surgical abortions performed at that
facility location during the immediately preceding calendar year.

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

(6) As used in this section:

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

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

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

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