



HOUSE BILL No. 5797

April 23, 1996, Introduced by Rep. Griffin and referred to the Committee on Health Policy.

A bill to amend section 2835 of Act No. 368 of the Public Acts of 1978, entitled as amended
"Public health code,"
being section 333.2835 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Section 1. Section 2835 of Act No. 368 of the Public Acts of 1978, being section 333.2835 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 2835. (1) As used in this section ~~"abortion" means the purposeful induced termination of a human pregnancy.~~ AND

SECTION 2837:

(A) "ABORTION" MEANS THAT TERM AS DEFINED IN SECTION 17015.

(B) "PHYSICAL COMPLICATION" MEANS A PHYSICAL CONDITION

OCCURRING DURING OR AFTER AN ABORTION THAT, UNDER GENERALLY

ACCEPTED STANDARDS OF MEDICAL PRACTICE, REQUIRES MEDICAL

1 TREATMENT. PHYSICAL COMPLICATION INCLUDES, BUT IS NOT LIMITED
2 TO, INFECTION, HEMORRHAGE, CERVICAL LACERATION, OR PERFORATION OF
3 THE UTERUS.

4 (2) A physician who performs an abortion shall report the
5 performance of that procedure to the department on forms pre-
6 scribed and provided by the department. ~~The reports shall be~~
7 ~~transmitted~~ A PHYSICIAN SHALL TRANSMIT A REPORT REQUIRED UNDER
8 THIS SUBSECTION to the director ~~within 7~~ NOT LESS THAN 30 days
9 BUT NOT MORE THAN 60 DAYS after the performance of the abortion.

10 (3) Each report of an abortion REQUIRED UNDER SUBSECTION (2)
11 shall contain only the following information and no other
12 information:

13 (a) The age of the woman at the time of the abortion.

14 (b) The marital status of the woman at the time of the
15 abortion.

16 (c) The city or township, county, and state in which the
17 woman resided at the time of the abortion.

18 (d) The location and type of facility in which the abortion
19 was performed.

20 (e) The source of referral to the physician performing the
21 abortion.

22 (f) The number of previous pregnancies carried to term.

23 (g) The number of previous pregnancies ending in
24 ~~miscarriage or~~ spontaneous abortion.

25 (h) The number of previous pregnancies terminated by
26 abortion.

1 (i) The period of gestation in weeks of the present
2 pregnancy and the first day of the last menstrual period.

3 (j) The method used to perform the abortion.

4 (k) The weight of the embryo or fetus, if determinable.

5 (l) THE TYPE OF DIAGNOSTIC OR GENETIC TESTING OR SCREENING,
6 IF ANY, PERFORMED UPON THE WOMAN OR FETUS BY A LICENSED HEALTH
7 PROFESSIONAL BEFORE THE ABORTION AND RELATED TO THE HEALTH OF THE
8 FETUS.

9 (M) ~~(L)~~ Whether the fetus showed evidence of life when
10 separated, expelled, or removed from the woman.

11 (N) ~~(m)~~ The date of performance of the abortion.

12 (O) ~~(n) The immediate complications of the abortion~~
13 ~~procedure~~ A PHYSICAL COMPLICATION OR DEATH RESULTING FROM THE
14 ABORTION AND OBSERVED BY THE PHYSICIAN OR REPORTED TO THE PHYSI-
15 CIAN OR HIS OR HER AGENT BEFORE THE REPORT IS TRANSMITTED.

16 (P) ~~(o)~~ The physician's signature and his OR HER state
17 license number.

18 (4) The report REQUIRED UNDER SUBSECTION (2) shall not con-
19 tain the name of the woman, common identifiers such as social
20 security or ~~drivers~~ DRIVER license numbers or other information
21 or identifiers that would make it possible to identify in any
22 manner or under any circumstances an individual who has obtained
23 or seeks to obtain an abortion. A state agency shall not compare
24 data in an information system file with data in another computer
25 system ~~which~~ THAT would result in identifying in any manner or
26 under any circumstances an individual obtaining or seeking to
27 obtain an abortion. Statistical information ~~which~~ THAT may

1 reveal the identity of a woman obtaining or seeking to obtain an
2 abortion shall not be maintained.

3 (5) The department shall destroy ~~the~~ EACH individual
4 ~~reports~~ REPORT required by this section and any copies of the
5 ~~records~~ REPORT after retaining ~~them~~ THE REPORT for 5 years
6 AFTER IT IS RECEIVED.

7 (6) The department shall make available annually in aggre-
8 gate a statistical report summarizing the information submitted
9 in ~~the~~ EACH individual ~~reports~~ REPORT required by this
10 section. THE DEPARTMENT SHALL SPECIFICALLY SUMMARIZE AGGREGATE
11 DATA REGARDING ALL OF THE FOLLOWING IN THE ANNUAL STATISTICAL
12 REPORT:

13 (A) THE PERIOD OF GESTATION IN 4-WEEK INTERVALS FROM 5 WEEKS
14 THROUGH 28 WEEKS.

15 (B) ABORTIONS PERFORMED ON WOMEN AGED 17 AND UNDER.

16 (C) PHYSICAL COMPLICATIONS REPORTED UNDER SUBSECTION (3)(O)
17 AND SECTION 2837.

18 (7) The reports required under this section are statistical
19 reports to be used only for medical and health purposes and shall
20 not be incorporated into the permanent official records of the
21 system of vital statistics.

22 (8) The department or ~~any~~ AN employee of the department
23 shall not disclose to any person outside the department, the
24 reports or the contents of the reports required by this section
25 in any manner or fashion so as to permit the person or entity to
26 whom the report is disclosed to identify in any way the person

1 ~~about whom the report concerns~~ WHO IS THE SUBJECT OF THE
2 REPORT.

3 (9) A person who discloses confidential IDENTIFYING informa-
4 tion in violation of ~~sections 2834-2835~~ THIS SECTION, SECTION
5 2834, OR SECTION 2837 is guilty of a felony, punishable by
6 imprisonment for not more than 3 years, or a fine of not more
7 than \$5,000.00, or both. ~~, and if the person is an employee of~~
8 ~~the department shall be subject to immediate dismissal.~~

9 Section 2. This amendatory act shall not take effect unless
10 Senate Bill No. _____ or House Bill No. 5799 (request
11 no. 05378'95 a) of the 88th Legislature is enacted into law.