

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 888 (Substitute S-1 as reported)
Sponsor: Senator Joel D. Gougeon
Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the Public Health Code to provide that a physician or other person who violated the Code's prohibition against performing a partial-birth abortion would be subject to administrative sanctions under the Code, but would not be subject to criminal prosecution. In addition, the bill would revise the definition of "partial-birth abortion" by specifying that it would apply to an intact fetus and not to an abortion in which the life of the fetus was terminated while the fetus was inside the uterus, and by defining the phrase "partially vaginally delivers a living, intact fetus before killing the fetus". The bill also includes legislative findings concerning partial-birth abortions.

A person who performed a partial-birth abortion would be subject to administrative sanctions, which, under the Code's sanctions provisions, could include a reprimand; a fine; community service; restitution; and/or probation, limitation, denial, suspension, or revocation of a medical license. A person would not be subject to criminal penalties for performing a partial-birth abortion.

The Code defines "partial-birth abortion" as an abortion in which the physician or an individual acting under the delegatory authority of the physician performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery. The bill specifies that the procedure would apply to a "living, intact fetus" and that a partial-birth abortion would not include a procedure in which the life of the fetus was terminated while the fetus was still in the uterus. The bill would define "partially vaginally delivers a living, intact fetus before killing the fetus" as "the deliberate and intentional delivery into the vagina of a living, intact fetus or a substantial portion of the living, intact fetus for the purpose of performing a procedure that the physician or other individual knows will kill the fetus, and subsequently killing the fetus".

MCL 333.16299 et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

According to the Department of Consumer and Industry Services, the fiscal impact of this bill is indeterminate for the main reason that an investigation of this type will vary from case to case depending on the circumstances surrounding the incident. Although complaints of this type are rare, an investigation into one could be extensive and costly.

Date Completed: 5-19-98

Fiscal Analyst: M. Tyszkiewicz