

HOUSE BILL No. 4406

February 24, 2009, Introduced by Reps. Espinoza and Sheltroun and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2835 (MCL 333.2835), as amended by 2002 PA 562.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2835. (1) As used in this section and section 2837:

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

3 (b) "Physical complication" means a physical condition
4 occurring during or after an abortion that, under generally
5 accepted standards of medical practice, requires medical attention.
6 Physical complication includes, but is not limited to, infection,
7 hemorrhage, cervical laceration, or perforation of the uterus.

8 (2) A physician who performs an abortion shall report the
9 performance of that procedure to the department on forms prescribed
10 and provided by the department. A physician shall transmit a report
11 required under this subsection to the director within 7 days after

1 the performance of the abortion.

2 (3) Each report of an abortion required under subsection (2)
3 shall contain only the following information and no other
4 information:

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

6 (b) The marital status of the woman at the time of the
7 abortion.

8 (c) The race **AND, IF APPLICABLE, HISPANIC ETHNICITY** of the
9 woman.

10 (d) The city or township, county, and state in which the woman
11 resided at the time of the abortion.

12 (e) The location and type of facility in which the abortion
13 was performed.

14 (f) The source of referral to the physician performing the
15 abortion.

16 (g) The number of previous pregnancies carried to term.

17 (h) The number of previous pregnancies ending in spontaneous
18 abortion.

19 (i) The number of previous pregnancies terminated by abortion.

20 (j) The method used before the abortion to confirm the
21 pregnancy, the period of gestation in weeks of the present
22 pregnancy, and the first day of the last menstrual period.

23 (k) The method used to perform the abortion.

24 (l) The weight of the embryo or fetus, if determinable.

25 (m) Whether the fetus showed evidence of life when separated,
26 expelled, or removed from the woman.

27 (n) The date of performance of the abortion.

1 (o) The method and source of payment for the abortion.

2 (p) A physical complication or death resulting from the
3 abortion and observed by the physician or reported to the physician
4 or his or her agent before the report required under subsection (2)
5 is transmitted to the director.

6 (q) The physician's signature and his or her state license
7 number.

8 (4) The report required under subsection (2) shall not contain
9 the name of the woman, common identifiers such as her social
10 security number or motor vehicle operator's license number or other
11 information or identifiers that would make it possible to identify
12 in any manner or under any circumstances an individual who has
13 obtained or seeks to obtain an abortion. A state agency shall not
14 compare data in an electronic or other information system file with
15 data in another electronic or other information system that would
16 result in identifying in any manner or under any circumstances an
17 individual obtaining or seeking to obtain an abortion. Statistical
18 information that may reveal the identity of a woman obtaining or
19 seeking to obtain an abortion shall not be maintained.

20 (5) The department shall destroy each individual report
21 required by this section and each copy of the report after
22 retaining the report for 5 years after the date the report is
23 received.

24 (6) The department shall make available annually in aggregate
25 a statistical report summarizing the information submitted in each
26 individual report required by this section. The department shall
27 specifically summarize aggregate data regarding all of the

1 following in the annual statistical report:

2 (a) The period of gestation in 4-week intervals from 5 weeks
3 through 28 weeks.

4 (b) Abortions performed on women aged 17 and under.

5 (c) Physical complications reported under subsection ~~(3)(e)~~
6 **(3)(P)** and section 2837.

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

11 (8) The department or an employee of the department shall not
12 disclose to a person or entity outside the department the reports
13 or the contents of the reports required by this section in a manner
14 or fashion so as to permit the person or entity to whom the report
15 is disclosed to identify in any way the person who is the subject
16 of the report.

17 (9) A person who discloses confidential identifying
18 information in violation of this section, section 2834(6), or
19 section 2837 is guilty of a felony punishable by imprisonment for
20 not more than 3 years, or a fine of not more than \$5,000.00, or
21 both.