

SENATE BILL No. 1294

April 27, 2010, Introduced by Senators JANSEN, GILBERT, BIRKHOLZ, HARDIMAN, McMANUS, PATTERSON, NOFS, SANBORN, STAMAS, ALLEN, VAN WOERKOM, BROWN, KUIPERS, KAHN, GEORGE, GARCIA, JELINEK, BARCIA, GLEASON, CROPSY, PAPPAGEORGE, OLSHOVE, CASSIS, BISHOP and RICHARDVILLE and referred to the Committee on Health Policy.

A bill to amend 1980 PA 350, entitled
"The nonprofit health care corporation reform act,"
(MCL 550.1101 to 550.1704) by adding section 402d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 402D. (1) A QUALIFIED HEALTH PLAN OFFERED BY A HEALTH
2 CARE CORPORATION THROUGH A STATE EXCHANGE PURSUANT TO THE PATIENT
3 PROTECTION AND AFFORDABLE CARE ACT, PUBLIC LAW 111-148, SHALL NOT
4 PROVIDE COVERAGE FOR ELECTIVE ABORTION. NOTHING IN THIS SECTION
5 SHALL BE CONSTRUED TO PROHIBIT AN INDIVIDUAL, ORGANIZATION, OR
6 EMPLOYER PARTICIPATING IN A QUALIFIED HEALTH PLAN OFFERED THROUGH A
7 STATE EXCHANGE FROM PURCHASING OPTIONAL SUPPLEMENTAL COVERAGE FOR
8 ELECTIVE ABORTION OUTSIDE OF THE EXCHANGE AS PROVIDED IN SUBSECTION
9 (2).

10 (2) A HEALTH CARE CORPORATION GROUP OR NONGROUP CERTIFICATE

1 OFFERED OUTSIDE OF A STATE EXCHANGE SHALL NOT PROVIDE COVERAGE FOR
2 ELECTIVE ABORTIONS EXCEPT BY AN OPTIONAL RIDER FOR WHICH AN
3 ADDITIONAL PREMIUM HAS BEEN PAID BY THE PURCHASER.

4 (3) AN EMPLOYER MAY PURCHASE AN OPTIONAL RIDER TO PROVIDE
5 COVERAGE FOR AN ELECTIVE ABORTION IF ALL OF THE FOLLOWING ARE MET:

6 (A) THE COST OF THE RIDER IS NOT FACTORED INTO ANY PREMIUM
7 AMOUNT FOR WHICH INDIVIDUAL EMPLOYEES CONTRIBUTE A PORTION OF THE
8 PREMIUM PAID EITHER DIRECTLY OR THROUGH A PAYROLL DEDUCTION.

9 (B) THE EMPLOYER PROVIDES NOTICE TO EACH EMPLOYEE THAT
10 ELECTIVE ABORTION WILL BE INCLUDED AS A RIDER TO HIS OR HER HEALTH
11 COVERAGE AND THAT THE COVERAGE CAN BE USED BY A MINOR OR DEPENDENT
12 FEMALE WITHOUT NOTICE TO THE EMPLOYEE.

13 (4) THIS SECTION DOES NOT REQUIRE A HEALTH CARE CORPORATION OR
14 EMPLOYER TO PROVIDE OR OFFER TO PROVIDE AN OPTIONAL RIDER FOR
15 ELECTIVE ABORTION COVERAGE.

16 (5) THIS SECTION DOES NOT APPLY TO BENEFITS PROVIDED UNDER
17 TITLE XIX OF THE SOCIAL SECURITY ACT, 42 USC 1396 TO 1396W-2.

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

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

21 (8) THIS SECTION APPLIES TO CERTIFICATES ISSUED OR RENEWED IN
22 THIS STATE ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION.

23 (9) AS USED IN THIS SECTION:

24 (A) "ELECTIVE ABORTION" MEANS THE INTENTIONAL USE OF AN
25 INSTRUMENT, DRUG, OR OTHER SUBSTANCE OR DEVICE TO TERMINATE A
26 WOMAN'S PREGNANCY FOR A PURPOSE OTHER THAN TO INCREASE THE
27 PROBABILITY OF A LIVE BIRTH, TO PRESERVE THE LIFE OR HEALTH OF THE

1 CHILD AFTER LIVE BIRTH, OR TO REMOVE A DEAD FETUS. ELECTIVE
2 ABORTION DOES NOT INCLUDE EITHER OF THE FOLLOWING:

3 (i) THE PRESCRIPTION OF OR USE OF A DRUG OR DEVICE INTENDED AS
4 A CONTRACEPTIVE.

5 (ii) THE INTENTIONAL USE OF AN INSTRUMENT, DRUG, OR OTHER
6 SUBSTANCE OR DEVICE BY A PHYSICIAN TO TERMINATE A WOMAN'S PREGNANCY
7 IF THE WOMAN'S PHYSICAL CONDITION, IN THE PHYSICIAN'S REASONABLE
8 MEDICAL JUDGMENT, NECESSITATES THE TERMINATION OF THE WOMAN'S
9 PREGNANCY TO AVERT HER DEATH.

10 (B) "QUALIFIED HEALTH PLAN" MEANS THAT TERM AS DEFINED IN
11 SECTION 1301 OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT,
12 PUBLIC LAW 111-148.

13 (C) "PHYSICIAN" MEANS AN INDIVIDUAL LICENSED TO ENGAGE IN THE
14 PRACTICE OF ALLOPATHIC MEDICINE OR THE PRACTICE OF OSTEOPATHIC
15 MEDICINE AND SURGERY UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE,
16 1978 PA 368, MCL 333.16101 TO 333.18838.