

SUBSTITUTE FOR
SENATE BILL NO. 613

(As amended December 5, 2012)

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 <<AN AMERICAN HEALTH BENEFIT>> EXCHANGE
3 PURSUANT TO THE PATIENT
4 PROTECTION AND AFFORDABLE CARE ACT, PUBLIC LAW 111-148, AND THE
5 HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010, PUBLIC LAW
6 111-152, SHALL NOT PROVIDE COVERAGE FOR ELECTIVE ABORTION. NOTHING
7 IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT AN INDIVIDUAL,
8 ORGANIZATION, OR EMPLOYER PARTICIPATING IN A QUALIFIED HEALTH PLAN
9 OFFERED THROUGH <<AN AMERICAN HEALTH BENEFIT>> EXCHANGE FROM
10 PURCHASING OPTIONAL
11 SUPPLEMENTAL COVERAGE FOR ELECTIVE ABORTION OUTSIDE OF THE EXCHANGE
12 AS PROVIDED IN SUBSECTION (2).

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1 (2) A HEALTH CARE CORPORATION GROUP OR NONGROUP CERTIFICATE
2 OFFERED OUTSIDE OF <<AN AMERICAN HEALTH BENEFIT>> EXCHANGE SHALL NOT
3 PROVIDE COVERAGE FOR
4 ELECTIVE ABORTIONS EXCEPT BY AN OPTIONAL RIDER FOR WHICH AN
5 ADDITIONAL PREMIUM HAS BEEN PAID BY THE PURCHASER.

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

8 (A) THE EMPLOYER PAYS THE ENTIRE PREMIUM AMOUNT FOR THE RIDER
9 AND THE COST OF THE RIDER IS NOT FACTORED INTO ANY PREMIUM AMOUNT
10 FOR WHICH INDIVIDUAL EMPLOYEES CONTRIBUTE A PORTION OF THE PREMIUM
11 PAID EITHER DIRECTLY OR THROUGH A PAYROLL DEDUCTION.

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

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

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

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

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

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

26 (9) AS USED IN THIS SECTION:

27 (A) "ELECTIVE ABORTION" MEANS THE INTENTIONAL USE OF AN
INSTRUMENT, DRUG, OR OTHER SUBSTANCE OR DEVICE TO TERMINATE A

1 WOMAN'S PREGNANCY FOR A PURPOSE OTHER THAN TO INCREASE THE
2 PROBABILITY OF A LIVE BIRTH, TO PRESERVE THE LIFE OR HEALTH OF THE
3 CHILD AFTER LIVE BIRTH, OR TO REMOVE A DEAD FETUS. ELECTIVE
4 ABORTION DOES NOT INCLUDE EITHER OF THE FOLLOWING:

5 (i) THE PRESCRIPTION OF OR USE OF A DRUG OR DEVICE INTENDED AS
6 A CONTRACEPTIVE.

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

12 (B) "QUALIFIED HEALTH PLAN" MEANS THAT TERM AS DEFINED IN
13 SECTION 1301 OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT,
14 PUBLIC LAW 111-148, 42 USC 18021.

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

19 Enacting section 1. This amendatory act takes effect January
20 1, 2014.