

SUBSTITUTE FOR  
SENATE BILL NO. 614

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding sections 16240 and 20195.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 16240. (1) A LICENSEE OR REGISTRANT SHALL NOT SEEK OR  
2        ACCEPT REIMBURSEMENT FROM A QUALIFIED HEALTH PLAN; AN EXPENSE-  
3        INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY OR CERTIFICATE; A  
4        HEALTH MAINTENANCE ORGANIZATION GROUP OR INDIVIDUAL CONTRACT; OR A  
5        HEALTH CARE CORPORATION GROUP OR NONGROUP CERTIFICATE FOR ANY  
6        SERVICES PROVIDED THAT ARE DIRECTLY RELATED TO THE PERFORMANCE OF  
7        AN ELECTIVE ABORTION UNLESS THE REIMBURSEMENT SOUGHT OR ACCEPTED IS  
8        FROM AN OPTIONAL RIDER PROVIDED UNDER ANY OF THE FOLLOWING:

9        (A) SECTION 3407C OF THE INSURANCE CODE OF 1956, 1956 PA 218,  
10       MCL 500.3407C.

Senate Bill No. 614 as amended December 5, 2012

1 (B) SECTION 402D OF THE NONPROFIT HEALTH CARE CORPORATION  
2 REFORM ACT, 1980 PA 350, MCL 550.1402D.

3 (2) THIS SECTION DOES NOT AFFECT LEGITIMATE AND ROUTINE  
4 OBSTETRIC CARE, DIAGNOSTIC TESTING, OR OTHER NONABORTION  
5 PROCEDURES.

6 (3) IN ADDITION TO THE ADMINISTRATIVE PENALTIES PRESCRIBED IN  
7 SECTIONS 16221(G) AND 16226, A LICENSEE OR REGISTRANT WHO  
8 VIOLATES THIS SECTION IS LIABLE FOR A CIVIL FINE OF UP TO  
9 \$10,000.00 PER VIOLATION. THE DEPARTMENT SHALL INVESTIGATE AN  
10 ALLEGED VIOLATION OF THIS SECTION, AND THE ATTORNEY GENERAL, IN  
11 COOPERATION WITH THE DEPARTMENT, MAY BRING AN ACTION TO ENFORCE  
12 THIS SECTION.

13 (4) THIS SECTION DOES NOT RESTRICT THE RIGHT OF A LICENSEE OR  
14 REGISTRANT TO DISCUSS ABORTION OR ABORTION SERVICES WITH A PATIENT  
15 WHO IS PREGNANT.

16 (5) THIS SECTION DOES NOT CREATE A RIGHT TO AN ABORTION.

17 (6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A  
18 PERSON SHALL NOT PERFORM AN ABORTION THAT IS PROHIBITED BY LAW.

19 (7) AS USED IN THIS SECTION:

20 (A) "ELECTIVE ABORTION" MEANS THAT TERM AS DEFINED IN SECTION  
21 3407C OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3407C, OR  
22 SECTION 402D OF THE NONPROFIT HEALTH CARE CORPORATION REFORM ACT,  
23 1980 PA 350, MCL 550.1402D.

24 (B) "QUALIFIED HEALTH PLAN" MEANS A HEALTH PLAN OFFERED  
25 THROUGH <<AN AMERICAN HEALTH BENEFIT>> EXCHANGE AS DESCRIBED IN  
SECTION 3407C OF THE  
26 INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3407C, OR SECTION 402D  
27 OF THE NONPROFIT HEALTH CARE CORPORATION REFORM ACT, 1980 PA 350,

1 MCL 550.1402D.

2 SEC. 20195. (1) A HEALTH FACILITY OR AGENCY SHALL NOT SEEK OR  
3 ACCEPT REIMBURSEMENT FROM A QUALIFIED HEALTH PLAN; AN EXPENSE-  
4 INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY OR CERTIFICATE; A  
5 HEALTH MAINTENANCE ORGANIZATION GROUP OR INDIVIDUAL CONTRACT; OR A  
6 HEALTH CARE CORPORATION GROUP OR NONGROUP CERTIFICATE FOR ANY  
7 SERVICES PROVIDED THAT ARE DIRECTLY RELATED TO THE PERFORMANCE OF  
8 AN ELECTIVE ABORTION UNLESS THE REIMBURSEMENT SOUGHT OR ACCEPTED IS  
9 FROM AN OPTIONAL RIDER PROVIDED UNDER ANY OF THE FOLLOWING:

10 (A) SECTION 3407C OF THE INSURANCE CODE OF 1956, 1956 PA 218,  
11 MCL 500.3407C.

12 (B) SECTION 402D OF THE NONPROFIT HEALTH CARE CORPORATION  
13 REFORM ACT, 1980 PA 350, MCL 550.1402D.

14 (2) THIS SECTION DOES NOT AFFECT LEGITIMATE AND ROUTINE  
15 OBSTETRIC CARE, DIAGNOSTIC TESTING, OR OTHER NONABORTION  
16 PROCEDURES.

17 (3) A HEALTH FACILITY OR AGENCY THAT VIOLATES THIS SECTION IS  
18 LIABLE FOR A CIVIL FINE OF UP TO \$10,000.00 PER VIOLATION. THE  
19 DEPARTMENT SHALL INVESTIGATE AN ALLEGED VIOLATION OF THIS SECTION,  
20 AND THE ATTORNEY GENERAL, IN COOPERATION WITH THE DEPARTMENT, MAY  
21 BRING AN ACTION TO ENFORCE THIS SECTION.

22 (4) THIS SECTION DOES NOT RESTRICT THE RIGHT OF A HEALTH CARE  
23 PROFESSIONAL OR OTHER HEALTH FACILITY OR AGENCY EMPLOYEE TO DISCUSS  
24 ABORTION OR ABORTION SERVICES WITH A PATIENT WHO IS PREGNANT.

25 (5) THIS SECTION DOES NOT CREATE A RIGHT TO AN ABORTION.

26 (6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A  
27 PERSON SHALL NOT PERFORM AN ABORTION THAT IS PROHIBITED BY LAW.

Senate Bill No. 614 as amended December 5, 2012

1 (7) AS USED IN THIS SECTION:

2 (A) "ELECTIVE ABORTION" MEANS THAT TERM AS DEFINED IN SECTION  
3 3407C OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3407C, OR  
4 SECTION 402D OF THE NONPROFIT HEALTH CARE CORPORATION REFORM ACT,  
5 1980 PA 350, MCL 550.1402D.

6 (B) "QUALIFIED HEALTH PLAN" MEANS A HEALTH PLAN OFFERED  
7 THROUGH <<AN AMERICAN HEALTH BENEFIT>> EXCHANGE AS DESCRIBED IN  
SECTION 3407C OF THE  
8 INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3407C, OR SECTION 402D  
9 OF THE NONPROFIT HEALTH CARE CORPORATION REFORM ACT, 1980 PA 350,  
10 MCL 550.1402D.

11 Enacting section 1. This amendatory act takes effect January  
12 1, 2014.

13 Enacting section 2. This amendatory act does not take effect  
14 unless all of the following bills of the 96th Legislature are  
15 enacted into law:

16 (a) Senate Bill No. 612.

17 (b) Senate Bill No. 613.