

SUBSTITUTE FOR  
HOUSE BILL NO. 5134

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 17515 (MCL 333.17515), as added by 1993 PA 133,  
and by adding section 17015a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           SEC. 17015A. (1) AT THE TIME A PATIENT FIRST PRESENTS AT A  
2 PRIVATE OFFICE, FREESTANDING SURGICAL OUTPATIENT FACILITY, OR OTHER  
3 FACILITY OR CLINIC IN WHICH ABORTIONS ARE PERFORMED FOR THE PURPOSE  
4 OF OBTAINING AN ABORTION, WHETHER BEFORE OR AFTER THE EXPIRATION OF  
5 THE 24-HOUR PERIOD DESCRIBED IN SECTION 17015(3), THE PHYSICIAN OR  
6 QUALIFIED PERSON ASSISTING THE PHYSICIAN SHALL ORALLY SCREEN THE  
7 PATIENT FOR COERCION TO ABORT USING THE SCREENING TOOLS DEVELOPED  
8 BY THE DEPARTMENT UNDER SECTION 17015(11).

1 (2) IF A PATIENT DISCLOSES THAT SHE IS THE VICTIM OF DOMESTIC  
2 VIOLENCE THAT DOES NOT INCLUDE COERCION TO ABORT, THE PHYSICIAN OR  
3 QUALIFIED PERSON ASSISTING THE PHYSICIAN SHALL FOLLOW THE PROTOCOLS  
4 DEVELOPED BY THE DEPARTMENT UNDER SECTION 17015(11).

5 (3) IF A PATIENT DISCLOSES COERCION TO ABORT, THE PHYSICIAN OR  
6 QUALIFIED PERSON ASSISTING THE PHYSICIAN SHALL FOLLOW THE PROTOCOLS  
7 DEVELOPED BY THE DEPARTMENT UNDER SECTION 17015(11).

8 (4) IF A PATIENT WHO IS UNDER THE AGE OF 18 DISCLOSES DOMESTIC  
9 VIOLENCE OR COERCION TO ABORT BY AN INDIVIDUAL RESPONSIBLE FOR THE  
10 HEALTH OR WELFARE OF THE MINOR PATIENT, THE PHYSICIAN OR QUALIFIED  
11 PERSON ASSISTING THE PHYSICIAN SHALL REPORT THAT FACT TO A LOCAL  
12 CHILD PROTECTIVE SERVICES OFFICE.

13 (5) A PRIVATE OFFICE, FREESTANDING SURGICAL OUTPATIENT  
14 FACILITY, OR OTHER FACILITY OR CLINIC IN WHICH ABORTIONS ARE  
15 PERFORMED SHALL POST IN A CONSPICUOUS PLACE IN AN AREA OF ITS  
16 FACILITY THAT IS ACCESSIBLE TO PATIENTS, EMPLOYEES, AND VISITORS  
17 THE NOTICE DESCRIBED IN SECTION 17015(11)(I). A PRIVATE OFFICE,  
18 FREESTANDING SURGICAL OUTPATIENT FACILITY, OR OTHER FACILITY OR  
19 CLINIC IN WHICH ABORTIONS ARE PERFORMED SHALL MAKE AVAILABLE IN AN  
20 AREA OF ITS FACILITY THAT IS ACCESSIBLE TO PATIENTS, EMPLOYEES, AND  
21 VISITORS PUBLICATIONS THAT CONTAIN INFORMATION ABOUT VIOLENCE  
22 AGAINST WOMEN.

23 (6) THIS SECTION DOES NOT CREATE A RIGHT TO ABORTION.  
24 NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A PERSON SHALL  
25 NOT PERFORM AN ABORTION THAT IS PROHIBITED BY LAW.

26 Sec. 17515. A physician, before performing an abortion on a  
27 patient, shall comply with ~~section~~ SECTIONS 17015 AND 17015A.

1           Enacting section 1. This amendatory act takes effect October  
2 1, 2012.

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

6           (a) House Bill No. 4798.

7           (b) House Bill No. 4799.

8           (c) House Bill No. 5182.

9           (d) House Bill No. 5183.