

HOUSE BILL No. 4143

January 26, 2011, Introduced by Reps. Gilbert, Johnson, Muxlow, Horn, Tyler, MacGregor and Lund and referred to the Committee on Health Policy.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
(MCL 500.100 to 500.8302) by adding section 3407c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3407C. (1) A QUALIFIED HEALTH PLAN OFFERED THROUGH A
2 STATE EXCHANGE PURSUANT TO THE PATIENT PROTECTION AND AFFORDABLE
3 CARE ACT, PUBLIC LAW 111-148, AND THE HEALTH CARE AND EDUCATION
4 RECONCILIATION ACT OF 2010, PUBLIC LAW 111-152, SHALL NOT PROVIDE
5 COVERAGE FOR ELECTIVE ABORTION. NOTHING IN THIS SECTION SHALL BE
6 CONSTRUED TO PROHIBIT AN INDIVIDUAL, ORGANIZATION, OR EMPLOYER
7 PARTICIPATING IN A QUALIFIED HEALTH PLAN OFFERED THROUGH A STATE
8 EXCHANGE FROM PURCHASING OPTIONAL SUPPLEMENTAL COVERAGE FOR
9 ELECTIVE ABORTION OUTSIDE OF THE EXCHANGE AS PROVIDED IN SUBSECTION
10 (2) .

11 (2) AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY

1 OR CERTIFICATE DELIVERED, ISSUED FOR DELIVERY, OR RENEWED IN THIS
2 STATE AND A HEALTH MAINTENANCE ORGANIZATION GROUP OR INDIVIDUAL
3 CONTRACT OFFERED OUTSIDE OF A STATE EXCHANGE SHALL NOT PROVIDE
4 COVERAGE FOR ELECTIVE ABORTIONS EXCEPT BY AN OPTIONAL RIDER FOR
5 WHICH AN 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 COST OF THE RIDER IS NOT FACTORED INTO ANY PREMIUM
9 AMOUNT FOR WHICH INDIVIDUAL EMPLOYEES CONTRIBUTE A PORTION OF THE
10 PREMIUM PAID EITHER DIRECTLY OR THROUGH A PAYROLL DEDUCTION.

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

15 (4) THIS SECTION DOES NOT REQUIRE AN INSURER, HEALTH
16 MAINTENANCE ORGANIZATION, OR EMPLOYER TO PROVIDE OR OFFER TO
17 PROVIDE AN OPTIONAL RIDER FOR ELECTIVE ABORTION COVERAGE.

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

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

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

23 (8) THIS SECTION APPLIES TO POLICIES, CERTIFICATES, OR
24 CONTRACTS DELIVERED, ISSUED FOR DELIVERY, OR RENEWED IN THIS STATE
25 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

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

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

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

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

16 (C) "PHYSICIAN" MEANS AN INDIVIDUAL LICENSED TO ENGAGE IN THE
17 PRACTICE OF ALLOPATHIC MEDICINE OR THE PRACTICE OF OSTEOPATHIC
18 MEDICINE AND SURGERY UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE,
19 1978 PA 368, MCL 333.16101 TO 333.18838.