

HOUSE BILL NO. 4737

April 29, 2021, Introduced by Reps. Calley, Fink, Beeler, Brann, Wozniak, Steven Johnson, Slagh, Paquette, Yaroch, Allor, Carra, Huizenga, Lightner, Beson, Martin, Frederick, Damoose, Hornberger and Meerman and referred to the Committee on Health Policy.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 14a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 14a. (1) A person shall not knowingly perform or induce**
2 **or attempt to perform or induce an abortion on a pregnant**
3 **individual if the person has knowledge that the pregnant individual**
4 **is seeking the abortion, in whole or in part, because of any of the**

1 following:

2 (a) A test result indicating that the pregnant individual's
3 unborn child has a disability.

4 (b) A prenatal diagnosis that the pregnant individual's unborn
5 child has a disability.

6 (c) Any other reason to believe that the pregnant individual's
7 unborn child has a disability.

8 (d) The sex of the pregnant individual's unborn child.

9 (e) The race of the pregnant individual's unborn child.

10 (2) A person who violates this section is guilty of a felony
11 punishable by imprisonment for not more than 2 years or a fine of
12 not more than \$50,000.00, or both.

13 (3) A pregnant individual on whom an abortion is performed or
14 induced or attempted to be performed or induced in violation of
15 subsection (1) is not guilty of any of the following:

16 (a) Violating this section.

17 (b) Attempting to violate this section.

18 (c) Conspiring to commit a violation of this section.

19 (4) A physician who violates subsection (1) is liable in a
20 civil action for compensatory and exemplary damages and reasonable
21 attorney fees to an individual, or the personal representative of
22 the estate of an individual, who sustains personal injury, death,
23 or property damage as the result of the performance or the
24 attempted performance of the abortion.

25 (5) As used in this section:

26 (a) "Abortion" means that term as defined in section 17015 of
27 the public health code, 1978 PA 368, MCL 333.17015.

28 (b) "Disability" means 1 or more of the following:

29 (i) A physical disability.

- 1 (ii) A cognitive disability.
2 (iii) A physical disfigurement.
3 (iv) Scoliosis.
4 (v) Dwarfism.
5 (vi) Down syndrome.
6 (vii) Albinism.
7 (viii) Amelia.
8 (ix) A physical or mental disease.
9 (x) Cleft palate.
10 (xi) Trisomy 18.

11 (c) "Down syndrome" means a chromosome disorder associated
12 with an extra whole or partial copy of chromosome 21 or an
13 effective trisomy for chromosome 21.

14 (d) "Physician" means an individual who is licensed as a
15 physician under part 170 or 175 of the public health code, 1978 PA
16 368, MCL 333.17001 to 333.17097 and 333.17501 to 333.17556.

17 (e) "Pregnant" means the human female reproductive condition
18 that commences with fertilization of having a developing unborn
19 child.

20 (f) "Unborn child" means an individual organism of the species
21 homo sapiens from fertilization until live birth.

22 Enacting section 1. This amendatory act takes effect 90 days
23 after the date it is enacted into law.