

HOUSE BILL NO. 6270

June 22, 2022, Introduced by Reps. Carra, Eisen, Bezotte, Clements, Maddock and Rendon and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 14 and 15 (MCL 750.14 and 750.15).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 14. ~~(1) Administering drugs, etc., with intent to procure~~
2 ~~miscarriage~~ Any person who shall wilfully administer to any
3 ~~pregnant woman any medicine, drug, substance or thing whatever, or~~
4 ~~shall employ any instrument or other means whatever, with intent~~
5 ~~thereby to procure the miscarriage of any such woman, unless the~~

1 ~~same shall have been necessary to preserve the life of such woman,~~
2 ~~shall be guilty of a felony, and in case~~ **Notwithstanding any other**
3 **provision of law, an individual who purposely performs or attempts**
4 **to perform an abortion except to save the life of a pregnant woman**
5 **in a medical emergency is guilty of a felony punishable by**
6 **imprisonment for not more than 10 years and a fine of not more than**
7 **\$100,000.00.**

8 **(2) An individual who violates subsection (1) in a manner that**
9 **causes the death of such** ~~the pregnant woman be thereby produced,~~
10 ~~the offense shall be deemed~~ **is guilty of manslaughter.**

11 ~~In any prosecution under this section, it shall not be~~
12 ~~necessary for the prosecution to prove that no such necessity~~
13 ~~existed.~~

14 **(3) This section does not authorize either of the following:**

15 **(a) Charging or convicting a woman with any criminal offense**
16 **in the death of her own unborn child.**

17 **(b) Prohibiting the sale, use, prescription, or administration**
18 **of a contraceptive measure, drug, or chemical if the contraceptive**
19 **measure, drug, or chemical is administered before the time when a**
20 **pregnancy could be determined through conventional medical testing**
21 **and if the contraceptive measure, drug, or chemical is sold, used,**
22 **prescribed, or administered in accordance with manufacturer**
23 **instructions.**

24 **(4) It is an affirmative defense to prosecution under this**
25 **section if a licensed physician provides medical treatment to a**
26 **pregnant woman that results in the accidental or unintentional**
27 **injury or death to the unborn child.**

28 **(5) Nothing in this section shall be construed as authorizing**
29 **an abortion that is illegal under any other provision of law.**

1 (6) Nothing in the amendatory act that added this subsection
2 shall be construed to repeal or amend, explicitly or by
3 implication, any provision of law prohibiting abortion or repealing
4 any provision of law regulating abortion, including, but not
5 limited to, section 322 or 323.

6 (7) Nothing in this section shall be interpreted to prohibit
7 the administration of misoprostol for the purposes of treatment of
8 a miscarriage.

9 (8) This section does not prohibit a person from being charged
10 with, convicted of, or punished for any other violation of law
11 arising out of the same transaction as the violation of this
12 section.

13 (9) As used in this section:

14 (a) "Abortion" means the intentional use of an instrument,
15 drug, or other substance or device to terminate a woman's pregnancy
16 for a purpose other than to increase the probability of a live
17 birth, to preserve the life or health of the child after live
18 birth, or to remove a fetus that has died as a result of natural
19 causes, accidental trauma, or a criminal assault on the pregnant
20 woman. Abortion does not include the use or prescription of a drug
21 or device intended as a contraceptive.

22 (b) "Contraceptive" means a drug, device, or chemical that
23 prevents conception.

24 (c) "Imminent harm" is limited exclusively to a physical
25 condition and does not include a mental condition. Medical
26 treatment may not form the basis for an exception to prosecution
27 under this section if it is based on a claim or diagnosis that the
28 pregnant woman will engage in conduct intended to result in her own
29 death or some other form of self-harm.

1 (d) "Medical emergency" means a condition in which an abortion
2 is necessary to preserve the life of a pregnant woman whose life is
3 endangered and subject to imminent harm arising from the pregnancy
4 by a physical disorder, physical illness, or physical injury
5 including a life-endangering physical condition caused by or
6 arising from the pregnancy itself.

7 (e) "Miscarriage" means the nondeliberate and spontaneous
8 expulsion of a nonviable fetus that has completed less than 20
9 weeks of gestation.

10 Sec. 15. ~~(1) Selling drugs, etc., to produce abortion~~ Any
11 person who shall in any manner, except as hereinafter provided,
12 advertise, publish, sell or publicly expose for sale any pills,
13 powder, drugs or combination of drugs, designed expressly for the
14 use of females for the purpose of procuring an abortion, shall be
15 guilty of a misdemeanor.

16 ~~Any drug or medicine known to be designed and expressly~~
17 ~~prepared for producing an abortion, shall only be sold upon the~~
18 ~~written prescription of an established practicing physician of the~~
19 ~~city, village, or township in which the sale is made; and the~~
20 ~~druggist or dealer selling the same shall, in a book provided for~~
21 ~~that purpose, register the name of the purchaser, the date of the~~
22 ~~sale, the kind and quantity of the medicine sold, and the name and~~
23 ~~residence of the physician prescribing the same.~~ **Notwithstanding any**
24 **other provision of law to the contrary, a person that manufactures,**
25 **distributes, prescribes, dispenses, sells, or transfers**
26 **mifepristone, mifegyne, or mifepex, or any substantially similar**
27 **generic or nongeneric abortifacient drug in this state for the**
28 **purpose of an abortion is guilty of a felony punishable by**
29 **imprisonment for not more than 20 years.**

1 (2) This section shall not be construed to impose civil or
2 criminal liability on a woman upon whom an abortion is performed or
3 attempted in which an abortifacient drug is used.

4 (3) Nothing in this section shall be interpreted to prohibit
5 the administration of misoprostol for the purposes of treatment of
6 a miscarriage.

7 (4) This section does not prohibit a person from being charged
8 with, convicted of, or punished for any other violation of law
9 arising out of the same transaction as the violation of this
10 section.

11 (5) Nothing in the amendatory act that added this subsection
12 shall be construed to repeal or amend, explicitly or by
13 implication, any provision of law prohibiting abortion or repealing
14 any provision of law regulating abortion, including, but not
15 limited to, section 322 or 323.

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