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BILL ANALYSIS



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Senate Bill 1029 (as introduced 5-15-96)
Sponsor: Senator Joel D. Gougeon
Committee: Families, Mental Health and Human Services

Date Completed: 5-22-96

CONTENT

The bill would amend the Public Health Code to prohibit partial-birth abortions, except in a medical emergency, and to require that a license suspension for a violation be at least two years.

Specifically, a physician, or an individual performing an act, task, or function under the delegatory authority of a physician, would be prohibited from performing a partial-birth abortion, even if the abortion were otherwise permitted by law. A violation of this prohibition would subject the physician or other individual to disciplinary action (licensure or registration denial, suspension, or revocation), but it would be an affirmative defense that the physician or other individual reasonably believed that a medical emergency existed when the partial-birth abortion was performed and that no other procedure would resolve the medical emergency. If a disciplinary subcommittee suspended a person's license or registration for a violation of the bill, the suspension would have to be for at least two years.

The bill specifies that these provisions would not create a right to abortion. A person could not perform an abortion that was prohibited by law.

"Abortion" would mean the intentional use of an instrument, drug, or other substance or device to terminate a woman's pregnancy for a purpose other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus. Abortion would not include the use or prescription of a drug or device intended as a contraceptive. "Partial-birth abortion" would mean an abortion in which the physician or individual acting under the delegatory authority of the physician performing the abortion "partially vaginally delivers a living fetus before killing the fetus and completing the delivery".

"Fetus" would mean an individual organism of the species homo sapiens in utero. "Medical emergency" would mean that condition which, on the basis of the physician's good faith clinical judgment, so complicated the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay would create serious risk of substantial and irreversible impairment of a major bodily function.

MCL 333.16221 et al.

Legislative Analyst: L. Burghardt

FISCAL IMPACT

This bill would increase the costs for the Bureau of Occupational and Professional Regulation in the Department of Consumer and Industry Services, as the Bureau would be required to conduct an increased number of routine investigations.

It is difficult to predict the amount of this increase as it would depend upon the number of cases, but the Department estimates that the increase would be marginal.

Fiscal Analyst: M. Barsch

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.