

HOUSE BILL No. 6096

September 17, 1998, Introduced by Reps. Cropsey, McBryde, Kaza, Whyman, Hammerstrom, Walberg, Lowe, Horton, Birkholz, McManus, London, Nye, Geiger, Gernaat, Jansen, Sanborn, Dalman, Green, Bodem, Middaugh, DeVuyst, Goschka and Perricone and referred to the Committee on Judiciary.

A bill to prohibit the expenditure of public funds for abortions; and to prescribe penalties for a violation of this act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "taxpayer-funded abortion prohibition act".

3 Sec. 2. As used in this act:

4 (a) "Abortion" means the intentional use of an instrument,
5 drug, or other substance or device to terminate a woman's preg-
6 nancy for a purpose other than to increase the probability of a
7 live birth, to preserve the life and health of the child after
8 live birth, or to remove a dead fetus. Abortion does not include
9 the use or prescription of a drug or device intended as a
10 contraceptive.

11 (b) "Governmental unit" means a political subdivision of the
12 state, an institution of higher education, or any other

1 governmental entity created or authorized by state law, but not
2 including the state or the civil service commission.

3 (c) "Health facility" means a health facility or agency
4 licensed under article 17 of the public health code, 1978 PA 368,
5 MCL 333.20201 to 333.22260.

6 (d) "Health professional" means an individual licensed or
7 registered under article 15 of the public health code, 1978
8 PA 368, MCL 333.16101 to 333.18838.

9 (e) "Institution of higher education" or "institution" means
10 a public or private 2-year or 4-year college, community or junior
11 college, or university located in this state.

12 (f) "Local unit of government" means a county, city, vil-
13 lage, or township.

14 (g) "Political subdivision" means a local unit of govern-
15 ment, school district, public corporation, authority, or
16 district.

17 (h) "School district" means a school district, local act
18 school district, or intermediate school district, as those terms
19 are defined in the revised school code, 1976 PA 451, MCL 380.1 to
20 380.1852, or a public school academy established under part 6a of
21 the revised school code, 1976 PA 451, MCL 380.501 to 380.507.

22 Sec. 3. (1) Unless otherwise provided under a collective
23 bargaining agreement in effect as of the effective date of this
24 act, a governmental unit shall not expend public funds to provide
25 health care coverage or benefits for its employees or their
26 dependents that provide for either of the following:

1 (a) Abortion services, except abortion services for
2 spontaneous abortion or to prevent the death of the woman upon
3 whom the abortion is performed.

4 (b) Any other service that is not billed as an abortion
5 service, but is in fact directly related to the performance of an
6 abortion.

7 (2) A governmental entity shall not approve a collective
8 bargaining agreement that includes health care coverage or bene-
9 fits that provide for a service described in subsection (1).
10 This subsection does not prohibit a health care coverage or bene-
11 fits program that provides for an employee-paid rider providing
12 coverage or benefits for abortion services for an individual
13 employee electing and paying for that coverage or benefit if the
14 employee-paid rider is elected and paid for on an individual
15 basis and not as a result of a vote of the employees or a group
16 of employees.

17 Sec. 4. An institution of higher education that does not
18 comply with section 3 is no longer eligible to participate in
19 state-funded student financial aid programs or to receive state
20 payment for earned degrees under 1974 PA 75, MCL 390.1021 to
21 390.1027.

22 Sec. 5. (1) A health professional or a health facility
23 shall not seek or accept reimbursement for the performance of an
24 abortion knowing that public funds will be or have been used in
25 whole or in part for the reimbursement in violation of section
26 3.

1 (2) A health professional or health facility that violates
2 subsection (1) is liable for a civil fine of up to \$10,000.00 per
3 violation. The attorney general may bring an action to enforce
4 this section.

5 (3) This section does not restrict the right of a health
6 professional to discuss abortion or abortion services with a
7 patient who is pregnant.

8 (4) This section does not create a right to an abortion.

9 (5) Notwithstanding any other provision of this section, a
10 person shall not perform an abortion that is prohibited by law.

11 Sec. 6. (1) A governmental unit, other than an institution
12 of higher education, that violates section 3 is subject to a
13 civil fine of up to \$10,000.00 for each violation. The attorney
14 general may bring an action to enforce this subsection.

15 (2) The chief executive officer or each member of the gov-
16 erning body, or both, of a governmental unit that violates sec-
17 tion 3 is guilty of a misdemeanor, punishable by a fine of not
18 more than \$10,000.00.

19 Sec. 7. If a portion of this act or the application of this
20 act to a person or circumstance is found invalid by a court, the
21 invalidity does not affect the remaining portions or applications
22 of this act that can be given effect without the invalid portion
23 or application, if the remaining portions are not determined by
24 the court to be inoperable, and to this end, this act is
25 severable.

1 Enacting section 1. This act does not take effect unless
2 all of the following bills of the 89th Legislature are enacted
3 into law:

4 (a) Senate Bill No. _____ or House Bill No. _____ (request
5 no. 04207'97 a).

6 (b) Senate Bill No. _____ or House Bill No. _____ (request
7 no. 04207'97 c).

8 (c) Senate Bill No. _____ or House Bill No. _____ (request
9 no. 04207'97 d).

10 (d) Senate Bill No. _____ or House Bill No. _____ (request
11 no. 04207'97 e).

12 (e) Senate Bill No. _____ or House Bill No. _____ (request
13 no. 04207'97 f).

14 (f) Senate Bill No. _____ or House Bill No. _____ (request
15 no. 04207'97 g).

16 (g) Senate Bill No. _____ or House Bill No. _____ (request
17 no. 04207'97 h).

18 (h) Senate Bill No. _____ or House Bill No. _____ (request
19 no. 04207'97 i).

20 (i) Senate Bill No. _____ or House Bill No. _____ (request
21 no. 04207'97 j).

22 (j) Senate Bill No. _____ or House Bill No. _____ (request
23 no. 04207'97 k).

24 (k) Senate Bill No. _____ or House Bill No. _____ (request
25 no. 04207'97 l).

26 (l) Senate Bill No. _____ or House Bill No. _____ (request
27 no. 04207'97 m).

04207'97 *