

# HOUSE BILL No. 6098

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

A bill to prohibit the expenditure of public funds by the state 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 services for state employees prohibi-  
3 tion act".

4       Sec. 2. As used in this act:

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

1 (b) "State" means the executive, legislative, and judicial  
2 branches of state government.

3 Sec. 3. (1) Unless otherwise provided under a collective  
4 bargaining agreement in effect as of the effective date of this  
5 act, the state shall not expend public funds to provide health  
6 care coverage or benefits for its employees or their dependents  
7 that provide for either of the following:

8 (a) Abortion services, except abortion services for sponta-  
9 neous abortion or to prevent the death of the woman upon whom the  
10 abortion is performed.

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

14 (2) The state shall not approve a collective bargaining  
15 agreement that includes health care coverage or benefits that  
16 provide for a service described in subsection (1). This subsec-  
17 tion does not prohibit a health care coverage or benefits program  
18 that provides for an employee-paid rider providing coverage or  
19 benefits for abortion services for an individual employee elect-  
20 ing and paying for that coverage or benefit if the employee-paid  
21 rider is elected and paid for on an individual basis and not as a  
22 result of a vote of the employees or a group of employees.

23 Sec. 4. (1) A health professional or a health facility  
24 shall not seek or accept reimbursement for the performance of an  
25 abortion knowing that public funds will be or have been used in  
26 whole or in part for the reimbursement in violation of section  
27 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. 5. If a portion of this act or the application of this  
12 act to a person or circumstance is found invalid by a court, the  
13 invalidity does not affect the remaining portions or applications  
14 of this act that can be given effect without the invalid portion  
15 or application, if the remaining portions are not determined by  
16 the court to be inoperable, and to this end, this act is  
17 severable.

18 Enacting section 1. This act does not take effect unless  
19 Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
20 no. 04207'97) of the 89th Legislature is enacted into law.