

**SENATE BILL NO. 645**

June 10, 1999, Introduced by Senators JAYE, HAMMERSTROM,  
HOFFMAN, DUNASKISS, MC COTTER, SHUGARS, EMMONS, GOUGEON,  
HART, MILLER and KOIVISTO and referred to the Committee on  
Families, Mental Health and Human Services.

A bill to amend 1956 PA 218, entitled  
"The insurance code of 1956,"  
(MCL 500.100 to 500.8302) by adding section 3407b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 3407B. (1) AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR  
2 SURGICAL POLICY OR CERTIFICATE DELIVERED, ISSUED FOR DELIVERY, OR  
3 RENEWED IN THIS STATE SHALL NOT PROVIDE COVERAGE FOR ELECTIVE  
4 ABORTIONS UNLESS ALL OF THE FOLLOWING ARE MET:  
5        (A) THE INSURED HAS INDIVIDUALLY SELECTED, BY OPTIONAL  
6 RIDER, THE ELECTIVE ABORTION COVERAGE.  
7        (B) AN ADDITIONAL PREMIUM FOR THE OPTIONAL ELECTIVE ABORTION  
8 COVERAGE RIDER HAS BEEN PAID BY THE INSURED OR THE INSURED HAS  
9 INDIVIDUALLY CONSENTED IN WRITING TO THE PREMIUM BEING PAID BY  
10 THE GROUP PURCHASER OF COVERAGE.

1 (2) AS USED IN THIS SECTION:

2 (A) "ELECTIVE ABORTION" MEANS THE INTENTIONAL USE OF AN  
3 INSTRUMENT, DRUG, OR OTHER SUBSTANCE OR DEVICE TO TERMINATE A  
4 WOMAN'S PREGNANCY FOR A PURPOSE OTHER THAN TO INCREASE THE PROBA-  
5 BILITY OF A LIVE BIRTH, TO PRESERVE THE LIFE OR HEALTH OF THE  
6 CHILD AFTER LIVE BIRTH, OR TO REMOVE A DEAD FETUS. ELECTIVE  
7 ABORTION DOES NOT INCLUDE EITHER OF THE FOLLOWING:

8 (i) THE PRESCRIPTION OF OR USE OF A DRUG OR DEVICE INTENDED  
9 AS A CONTRACEPTIVE.

10 (ii) THE INTENTIONAL USE OF AN INSTRUMENT, DRUG, OR OTHER  
11 SUBSTANCE OR DEVICE BY A PHYSICIAN TO TERMINATE A WOMAN'S PREG-  
12 NANCY IF THE WOMAN'S PHYSICAL CONDITION, IN THE PHYSICIAN'S REA-  
13 SONABLE MEDICAL JUDGMENT, NECESSITATES THE TERMINATION OF THE  
14 WOMAN'S PREGNANCY TO AVERT HER DEATH.

15 (B) "INSURED" MEANS THE INDIVIDUAL FOR WHOSE BENEFIT A  
16 POLICY OF INSURANCE DESCRIBED IN SUBSECTION (1) HAS BEEN ISSUED.

17 (C) "PHYSICIAN" MEANS AN INDIVIDUAL LICENSED TO ENGAGE IN  
18 THE PRACTICE OF ALLOPATHIC MEDICINE OR THE PRACTICE OF OSTEO-  
19 PATHIC MEDICINE AND SURGERY UNDER ARTICLE 15 OF THE PUBLIC HEALTH  
20 CODE, 1978 PA 368, MCL 333.16101 TO 333.18838.

21 (3) THIS SECTION DOES NOT CREATE A RIGHT TO ABORTION.

22 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A  
23 PERSON SHALL NOT PERFORM AN ABORTION THAT IS PROHIBITED BY LAW.

24 (5) THIS SECTION APPLIES TO POLICIES OR CERTIFICATES DELIV-  
25 ERED, ISSUED FOR DELIVERY, OR RENEWED IN THIS STATE AFTER THE  
26 EFFECTIVE DATE OF THIS SECTION.