

SUBSTITUTE FOR
HOUSE BILL NO. 5637

(As amended, December 8, 2004)

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 9141.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9141. (1) The department shall establish and
2 administer a grant program to provide grants for the purchase of
3 ultrasound equipment. The department shall use the grant program
4 to make grants to qualified entities that apply for a grant and
5 that do not have at least 2 ultrasound machines.

(2) The ultrasound equipment fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund including, but not limited to, << >> state revenues, federal money, gifts, bequests, donations, and money from any other source provided by law. The state treasurer shall direct the

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1 investment of the fund. The state treasurer shall credit to the
2 fund interest and earnings from fund investments. Money in the
3 fund at the close of the fiscal year shall remain in the fund and
4 shall not lapse to the general fund.

5 (3) The department shall use the fund to make grants as
6 provided under subsection (1) for the purchase of ultrasound
7 equipment <<and to cover the administrative costs of the department and
the department of treasury in implementing and administering this grant
program>>. An application for a grant under the grant program
8 shall be made on a form or format prescribed by the department.
9 The department may require the applicant to provide information
10 reasonably necessary to allow the department to make a
11 determination required under this section. In making its
12 determination, the department shall give priority to those
13 applicants that do not have an ultrasound machine or that have
14 only 1 ultrasound machine that is outdated based on industry
15 standards. The director of the department shall have final
16 approval of grants made under this section and the grants shall
17 only be approved if the money is available in the fund.

18 (4) A cash match of at least 50% of the grant or other
19 repayment guarantee with a dedicated funding source is required
20 before a grant can be awarded.

21 (5) The department shall not make a grant to a qualified
22 entity for the purchase of ultrasound equipment unless the
23 following conditions are met:

24 (a) The entity [] provides family
25 planning or reproductive health services to low-income women at
26 no cost [or at a reduced cost].

27 (b) The entity agrees to comply with each of the following:

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1 (i) Shall have at least 1 ultrasound monitor that is fully
2 accessible to the pregnant woman to view during the performance
3 of her ultrasound.

4 (ii) Inform each pregnant woman upon whom the ultrasound
5 equipment is used that she has the right to view the ultrasound
6 image.

7 (iii) If the ultrasound equipment is capable, inform each
8 pregnant woman upon whom the ultrasound equipment is used that
9 she has the right to record the ultrasound image for her own
10 records if she provides the entity with the videocassette, film,
11 or other medium now known or later developed on which images can
12 be recorded or otherwise stored.

13 (iv) Certify in writing that the woman was offered an
14 opportunity to view the ultrasound image, obtain the woman's
15 acceptance or rejection to view the image in writing, and
16 maintain a copy of each in the woman's medical file.

17 (v) Shall not use the ultrasound equipment to assist in the
18 performance of an elective abortion.

[(vi) Shall have a trained medical professional or a qualified
medical director on staff to perform the ultrasound.]

19 (6) The department shall annually prepare a report
20 summarizing the grants made under this section, contractual
21 commitments made and achieved, and a preliminary evaluation of
22 the effectiveness of this section and shall provide a copy of
23 this report to the chairs of the house and senate appropriations
24 subcommittees for the department of community health.

25 (7) The department may promulgate rules under the
26 administrative procedures act of 1969 to implement this grant
27 program.

(8) As used in this section:

(a) "Department" means the department of community health.

(b) "Elective abortion" means the performance of a procedure involving 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. Elective abortion does not include either of the following:

(i) The use or prescription of a drug or device intended as a contraceptive.

(ii) The intentional use of an instrument, drug, or other substance or device by a physician to terminate a woman's pregnancy if the woman's physical condition, in the physician's reasonable medical judgment, necessitates the termination of the woman's pregnancy to avert her death.

(c) "Entity" means a local agency, organization, or corporation or a subdivision, contractee, subcontractee, or grant recipient of a local agency, organization, or corporation.

(d) "Fund" means the ultrasound equipment fund created under subsection (2).

(e) "Qualified entity" means an entity reviewed and determined by the department of community health to satisfy all of the conditions required under subsection (5) and to be technically and logistically capable of providing the quality and quantity of services required within a cost range considered appropriate by the department.