

# SENATE BILL No. 573

October 21, 2015, Introduced by Senators EMMONS, COLBECK, JONES, SHIRKEY, BOOHER, BRANDENBURG, ZORN, ROBERTSON, PAVLOV, MARLEAU, HUNE and PROOS and referred to the Committee on Oversight.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20115 (MCL 333.20115), as amended by 2012 PA 499.

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

1           Sec. 20115. (1) The department may promulgate rules to further  
2 define the term "health facility or agency" and the definition of a  
3 health facility or agency listed in section 20106 as required to  
4 implement this article. The department may define a specific  
5 organization as a health facility or agency for the sole purpose of  
6 certification authorized under this article. For purpose of  
7 certification only, an organization defined in section 20106(5),  
8 20108(1), or 20109(4) is considered a health facility or agency.  
9 The term "health facility or agency" does not mean a visiting nurse

1 service or home aide service conducted by and for the adherents of  
2 a church or religious denomination for the purpose of providing  
3 service for those who depend upon spiritual means through prayer  
4 alone for healing.

5 (2) The department shall promulgate rules to differentiate a  
6 freestanding surgical outpatient facility from a private office of  
7 a physician, dentist, podiatrist, or other health professional. The  
8 department shall specify in the rules that a facility including,  
9 but not limited to, a private practice office described in this  
10 subsection must be licensed under this article as a freestanding  
11 surgical outpatient facility if that facility performs 120 or more  
12 surgical abortions per year and publicly advertises outpatient  
13 abortion services. **THE DEPARTMENT SHALL ALSO SPECIFY IN THE RULES**  
14 **THAT A FACILITY THAT MUST BE LICENSED AS A FREESTANDING SURGICAL**  
15 **OUTPATIENT FACILITY UNDER THIS SUBSECTION SHALL NOT CONTINUE TO**  
16 **PERFORM SURGICAL ABORTIONS UNTIL IT OBTAINS A LICENSE FROM THE**  
17 **DEPARTMENT.**

18 (3) The department shall promulgate rules that in effect  
19 republish R 325.3826, R 325.3832, R 325.3835, R 325.3857, R  
20 325.3866, R 325.3867, and R 325.3868 of the Michigan administrative  
21 code, but shall include in the rules standards for a freestanding  
22 surgical outpatient facility or private practice office that  
23 performs 120 or more surgical abortions per year and that publicly  
24 advertises outpatient abortion services. The department shall  
25 ~~assure~~ **ENSURE** that the standards are consistent with the most  
26 recent United States ~~supreme court~~ **SUPREME COURT** decisions  
27 regarding state regulation of abortions.

1 (4) Subject to section 20145 and part 222, the department may  
2 modify or waive 1 or more of the rules contained in R 325.3801 to R  
3 325.3877 of the Michigan administrative code regarding construction  
4 or equipment standards, or both, for a freestanding surgical  
5 outpatient facility that performs 120 or more surgical abortions  
6 per year and that publicly advertises outpatient abortion services,  
7 if both of the following conditions are met:

8 (a) The freestanding surgical outpatient facility was in  
9 existence and operating on December 31, 2012.

10 (b) The department makes a determination that the existing  
11 construction or equipment conditions, or both, within the  
12 freestanding surgical outpatient facility are adequate to preserve  
13 the health and safety of the patients and employees of the  
14 freestanding surgical outpatient facility or that the construction  
15 or equipment conditions, or both, can be modified to adequately  
16 preserve the health and safety of the patients and employees of the  
17 freestanding surgical outpatient facility without meeting the  
18 specific requirements of the rules.

19 (5) By January 15 each year, the department of ~~community~~  
20 health **AND HUMAN SERVICES** shall provide the following information  
21 to the department of licensing and regulatory affairs:

22 (a) From data received by the department of ~~community~~-health  
23 **AND HUMAN SERVICES** through the abortion reporting requirements of  
24 section 2835, all of the following:

25 (i) The name and location of each facility at which abortions  
26 were performed during the immediately preceding calendar year.

27 (ii) The total number of abortions performed at that facility

1 location during the immediately preceding calendar year.

2 (iii) The total number of surgical abortions performed at that  
3 facility location during the immediately preceding calendar year.

4 (b) Whether a facility at which surgical abortions were  
5 performed in the immediately preceding calendar year publicly  
6 advertises abortion services.

7 (6) As used in this section:

8 (a) "Abortion" means that term as defined in section 17015.

9 (b) "Publicly advertises" means to advertise using directory  
10 or internet advertising including yellow pages, white pages, banner  
11 advertising, or electronic publishing.

12 (c) "Surgical abortion" means an abortion that is not a  
13 medical abortion as that term is defined in section 17017.

14 Enacting section 1. This amendatory act takes effect 90 days  
15 after the date it is enacted into law.