

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5971 (Substitute H-1 as reported without amendment)
Sponsor: Representative Jerry Vander Roest
House Committee: Health Policy
Senate Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the abortion informed consent provisions of the Public Health Code to:

- Prohibit prepayment for a medical service within 24 hours after a patient inquired about or scheduled an abortion (rather than prepayment for an abortion-related medical service before the expiration of the 24-hour required waiting period).
- Require that a physician or qualified assistant develop and give to an abortion patient a written summary of the procedure, if the Department of Community Health (DCH) did not recognize the procedure and had not developed a summary of it.
- Exclude violations of the abortion informed consent provisions from criminal penalties under the Code.
- Add to the Code's legislative findings concerning abortion informed consent.

Under the Code, a physician or qualified assistant must provide certain information to a patient at least 24 hours before performing an abortion. The Code also prohibits requiring or obtaining payment for an "abortion-related" medical service until the expiration of that 24-hour period. The bill, instead, would prohibit the collection of payment, for a "medical service" provided to or planned for an abortion patient before the expiration of 24 hours from the time the patient either inquired about obtaining an abortion after her pregnancy was confirmed and received the required information, or scheduled an abortion to be performed by that physician. This prohibition would not apply to a physician or agent who received capitated payments or was under a salary arrangement for providing the services. "Medical service" would mean the provision of a treatment, procedure, medication, examination, diagnostic test, assessment, or counseling, including, but not limited to, a pregnancy test, ultrasound, pelvic examination, or an abortion.

MCL 333.16299 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on the State, including the DCH, and an indeterminate fiscal impact on local government.

There are no statewide data available with regard to misdemeanor offenses, so there are no data to indicate how many people, if any, are currently convicted of violating the informed consent provisions. Offenders currently receive either probation or incarceration in a local facility. Local units incur the cost, which varies by county from \$27 to \$65 per day; therefore, any savings resulting from the elimination of the criminal provisions would benefit local governments.

Date Completed: 12-9-02

Fiscal Analyst: Dana Patterson
Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.