

HOUSE BILL NO. 4819

June 15, 2023, Introduced by Reps. Paquette, DeSana, Fox and Hoadley and referred to the Committee on Government Operations.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2835 (MCL 333.2835), as amended by 2012 PA 499.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2835. (1) As used in this section and section 2837,
2 "physical complication" means a physical condition occurring during
3 or after an abortion that, under generally accepted standards of
4 medical practice, requires medical attention. Physical complication
5 includes, but is not limited to, infection, hemorrhage, cervical
6 laceration, or perforation of the uterus.

1 (2) A physician who performs an abortion shall report the
2 performance of that procedure to the department on forms prescribed
3 and provided by the department. A physician shall transmit a report
4 required under this subsection to the director within 7 days after
5 the performance of the abortion.

6 (3) Each report of an abortion required under subsection (2)
7 ~~shall~~**must** contain only the following information and no other
8 information:

9 (a) The age of the individual at the time of the abortion.

10 (b) The marital status of the individual at the time of the
11 abortion.

12 (c) The race and, if applicable, Hispanic ethnicity of the
13 individual.

14 (d) The city or township, county, and state in which the
15 individual resided at the time of the abortion.

16 (e) The name and address of the facility and the type of
17 facility in which the abortion was performed.

18 (f) The source of referral to the physician performing the
19 abortion.

20 (g) The number of previous pregnancies carried to term.

21 (h) The number of previous pregnancies ending in spontaneous
22 abortion.

23 (i) The number of previous pregnancies terminated by abortion.

24 (j) The method used before the abortion to confirm the
25 pregnancy, the period of gestation in weeks of the present
26 pregnancy, and the first day of the last menstrual period.

27 (k) The method used to perform the abortion.

28 (l) The weight of the embryo or fetus, if determinable.

29 (m) Whether the fetus showed evidence of life when separated,

1 expelled, or removed from the individual.

2 (n) The date of performance of the abortion.

3 (o) The method and source of payment for the abortion.

4 (p) A physical complication or death resulting from the
5 abortion and observed by the physician or reported to the physician
6 or ~~his or her~~ **the physician's** agent before the report required
7 under subsection (2) is transmitted to the director.

8 (q) **Any of the following reasons for obtaining the abortion:**

9 (i) **The present pregnancy was the result of a rape.**

10 (ii) **The present pregnancy was the result of incest.**

11 (iii) **Economic reasons.**

12 (iv) **A child is not wanted at this time.**

13 (v) **Emotional health is at risk.**

14 (vi) **Physical health is at risk.**

15 (vii) **Relationship problems.**

16 (viii) **The present pregnancy involved a diagnosis of 1 or more
17 fetal anomalies.**

18 (r) ~~(q)~~ **The physician's signature and ~~his or her~~ the
19 physician's** state license number.

20 (4) The report required under subsection (2) ~~shall~~ **must** not
21 contain the name of the individual, common identifiers such as her
22 ~~social security~~ **Social Security** number or motor vehicle operator's
23 license number or other information or identifiers that would make
24 it possible to identify in any manner or under any circumstances an
25 individual who has obtained or seeks to obtain an abortion. A state
26 agency ~~shall~~ **must** not compare data in an electronic or other
27 information system file with data in another electronic or other
28 information system that would result in identifying in any manner
29 or under any circumstances an individual obtaining or seeking to

1 obtain an abortion. Statistical information that may reveal the
2 identity of an individual obtaining or seeking to obtain an
3 abortion ~~shall~~**must** not be maintained.

4 (5) The department shall destroy each individual report
5 required by this section and each copy of the report after
6 retaining the report for 5 years after the date the report is
7 received.

8 (6) The department shall make available annually in aggregate
9 a statistical report summarizing the information submitted in each
10 individual report required by this section. The department shall
11 specifically summarize aggregate data regarding all of the
12 following in the annual statistical report:

13 (a) The period of gestation in 4-week intervals from 5 weeks
14 through 28 weeks.

15 (b) Abortions performed on individuals aged 17 and under.

16 (c) Physical complications reported under subsection (3) (p)
17 and section 2837.

18 (7) The reports required under this section are statistical
19 reports to be used only for medical and health purposes and ~~shall~~
20 **must** not be incorporated into the permanent official records of the
21 system of vital statistics.

22 (8) Except as otherwise provided in subsection (10), the
23 department or an employee of the department shall not disclose to a
24 person or entity outside the department the reports or the contents
25 of the reports required by this section in a manner or fashion so
26 as to permit the person or entity to whom the report is disclosed
27 to identify in any way the individual who is the subject of the
28 report, the identity of the physician who performed the abortion,
29 or the name or address of a facility in which an abortion was

1 performed.

2 (9) A person who discloses confidential identifying
3 information in violation of this section, section 2834(6), or
4 section 2837 is guilty of a felony punishable by imprisonment for
5 not more than 3 years or a fine of not more than \$5,000.00, or
6 both.

7 (10) The department may release the reports or the contents of
8 the reports required by this section to the department of licensing
9 and regulatory affairs for regulatory purposes only. The department
10 of licensing and regulatory affairs or an employee of the
11 department of licensing ~~or~~ **and** regulatory affairs shall not
12 disclose to a person or entity outside of the department of
13 licensing and regulatory affairs the reports or the contents of the
14 reports required by this section in a manner or fashion so as to
15 permit the person or entity to whom the report is disclosed to
16 identify in any way the individual who is the subject of the
17 report, the identity of the physician who performed the abortion,
18 or the name or address of a facility in which an abortion was
19 performed.