

Michigan

State mandated information

The State of Michigan requires a physician or a qualified person assisting the physician¹ to orally inform a woman of: (1) positive pregnancy results; (2) the probable gestational age of the fetus; (3) information on what to do and who to contact should complications from the abortion arise; and (4) information on how to obtain pregnancy prevention through the department of community health.

In addition, before a woman signs the consent form, the physician must inform a woman orally and in person of (1) the name of physician performing abortion; (2) her right to withhold consent to the abortion at any time; (3) any risk or complication of the proposed abortion procedure; (4) any risk or complication of carrying the pregnancy to term; (5) her opportunity to view an ultrasound image and be provided with a picture of the image.

State prepared materials

Under Michigan law, a woman is required to view state prepared materials either in person, by registered mail, by parcel delivery or by fax. These materials include: (1) medically accurate depictions of a fetus at two-week increments from the fourth through the twentieth-eighth week of pregnancy; and (2) the recognized medical procedures used for abortion in Michigan, the physical complications that have been associated with each medical procedure and with childbirth, the potential for feelings of guilt, anger and depression that can accompany a decision to abort and where to get help if necessary, a list of public agencies providing assistance during pregnancy, after birth of her child including foster care and adoption agencies.

In addition, Michigan law requires the physician or a qualified person assisting the physician to provide a woman with a written summary of the abortion procedure to be performed, its risks and complications including those associated with live births, a physical copy of medically accurate description, photo/depiction of the fetus at the gestational age nearest to that of patient's fetus and a copy of a prenatal care and parenting pamphlet distributed by the community health department. Michigan law allows these requirements to be fulfilled by accessing the State sponsored website. After accessing the website, confirmation of having view materials is valid for 14 days.

Mandatory delay requirement

The State of Michigan imposes a mandatory 24 hour delay before a woman can have an abortion.

Mich Comp. Laws Ann. §§ 333.17014 (Enacted 1993, Amended 2002), -.17015 (Enacted 1993, Amended 2006).

In 2002, a court approved a settlement agreement regarding Michigan's biased counseling law that: (1) removed the law's requirement that all abortion literature be state-

¹ Under Michigan law, a "qualified person assisting the physician" means another physician or a physician's assistant, a fully licensed or limited licensed psychologist, a professional counselor, a registered professional nurse or a licensed practical nurse or a licensed social worker.

produced, allowing physicians to use other appropriate documents when state-prepared materials are not available; and (2) eliminated the 24 hour waiting period in medical emergencies.

Northland Family Planning Clinic, Inc. v. Granholm, No. 01-CV-70549 (E.D. Mich. Apr. 12, 2001). In addition, the court issued a permanent injunction against the blanket prohibition of the immediate collection of fees for abortion-related services. *Northland Family Planning Clinic, Inc. v. Granholm*, No. 01-70549 (E.D. Mich. Feb. 26, 2002), *Northland Family Planning Clinic, Inc. v. Olszewski*, No. 03-71054 (E.D. Mich. Apr. 30, 2003).