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Title: Repeal of Michigan’s Abortion Law
Introduced by: Richard Burney, MD, for the Washtenaw County Delegation
Original Author: Richard Burney, MD
Referred To: Reference Committee D
House Action: **REFERRED TO MSMS BOARD OF DIRECTORS**

Whereas, the Michigan Penal Code, Act 328 of 1931, Sections 750.14 and 7650.15 make it illegal to provide abortion services of any kind, including medically induced abortions, and

Whereas, it is possible that the U. S. Supreme Court will reverse the Roe v. Wade decision making abortion legal, overruling state laws, and

Whereas, should this happen, Michigan’s 1931 law would become effective, preventing abortion services except in the first trimester, and

Whereas, this would significantly impair women’s freedom, health, and well-being; therefore be it

RESOLVED: That MSMS advocate to repeal Act 328 of 1931, regardless of the outcome of the current case before the Supreme Court.

WAYS AND MEANS COMMITTEE FISCAL NOTE: \$16,000-\$32,000 for legislative advocacy.

Relevant MSMS Policy:

No Constitutional Prohibition

There should be no amendment to the Constitution of the United States that would prohibit abortion. (Prior to 1990)

Abortion as Medical Procedure

Abortion is a medical procedure and should be performed only by a licensed physician in conformance with standards of good medical practice and the Public Health Code of the state of Michigan. (Prior to 1990)

Relevant AMA Policy:

Policy on Abortion H-5.990

The issue of support of or opposition to abortion is a matter for members of the AMA to decide individually, based on personal values or beliefs. The AMA will take no action which may be construed as an attempt to alter or influence the personal views of individual physicians regarding abortion procedures.

Abortion H-5.995

Our AMA reaffirms that: (1) abortion is a medical procedure and should be performed only by a duly licensed physician and surgeon in conformance with standards of good medical practice and the Medical Practice Act of his state; and (2) no physician or other professional personnel shall be required to perform an act violative of good medical judgment. Neither physician, hospital, nor hospital personnel shall be required to perform any act violative of personally held moral principles. In these circumstances, good medical practice requires only that the physician or other professional withdraw from the case, so long as the withdrawal is consistent with good medical practice.

Right to Privacy in Termination of Pregnancy H-5.993

The AMA reaffirms existing policy that (1) abortion is a medical procedure and should be performed only by a duly licensed physician in conformance with standards of good medical practice and the laws of the state; and (2) no physician or other professional personnel shall be required to perform an act violative of good medical judgment or personally held moral principles. In these circumstances good medical practice requires only that the physician or other professional withdraw from the case so long as the withdrawal is consistent with good medical practice. The AMA further supports the position that the early termination of pregnancy is a medical matter between the patient and the physician, subject to the physician's clinical judgment, the patient's informed consent, and the availability of appropriate facilities.

4.2.7 Abortion

The Principles of Medical Ethics of the AMA do not prohibit a physician from performing an abortion in accordance with good medical practice and under circumstances that do not violate the law.

Source:

1. Section 750.14 (of the law) held unconstitutional as relating to abortions in the first trimester of a pregnancy as authorized by the pregnant woman's attending physician in the exercise of his medical judgment. *People v Bricker*, 389 Mich 524; 208 NW2d 172 (1973). Whether this ruling would be affected by reversing *Roe* is not known.