

'Informed consent' bill poised to become law

By Tim Richard
Staff writer

The Michigan Legislature probably will restrict abortions with an "informed consent" law, but a loud battle is shaping up first.

"If you cover that session, bring your breakfast, lunch and dinner," said Rep. Lyn Bankes, R-Livonia, an opponent.

But Bankes predicted, "The bill will pass, the governor will sign it, and it will be a law."

A House vote is likely the first week in March.

But Rep. Maxine Berman, D-Southfield, is circulating two U.S. Supreme Court opinions striking down informed consent laws. They require a one-day waiting before a woman can have an abortion and require the doctor to read her a list of possible bad results.

"The bill you have before you has the same problems and will be struck down as well," Berman said.

THE BILL was quietly shuttled last week into the House Public Health Committee before most members knew what happened.

"I promised a vote," said Rep. Michael Bennane, D-Detroit, a pro-choice vote and chair of the committee.

"Nick (Claramitaro, D-Roseville) and I will try to work out a compromise. The odds are we can — if Nick bargains by himself and doesn't have to take everything back to Right to Life."

"The doctors are doing some lobbying on this, and they're more effective on the other side," said Bennane, gesturing southward to the Republican-run Senate.

EARLIER IN the month, the Senate took a House-passed medical regulatory bill (House Bill 4280),

A compromise suggested by Sen. John J.H. Schwarz, R-Battle Creek, an abortion foe who nevertheless opposes this bill as a "Big Brother" restriction on the doctor-patient relationship, was shot down.

amended it with abortion restrictions and sent it back to the House for concurrence in amendments.

Senators sought to avoid the House committee structure, where an earlier informed-consent measure (Senate Bill 141) is gathering dust.

Instead of calling a vote on concurrence in the Senate amendments, however, House Speaker Lewis Doka, D-Birch Run, shipped the bill to Bennane's committee for one last chance at a compromise.

A compromise was suggested by Sen. John J.H. Schwarz, R-Battle Creek, an abortion foe who nevertheless opposes this bill as a "Big Brother" restriction on the doctor-patient relationship. There would be no waiting period, and the list of side effects and pictures a doctor must show would be considerably shorter.

But the Senate shot down Schwarz's compromise.

AN INFORMED consent bill, would be the third restrictive measure passed in Michigan since the U.S. Supreme Court in 1990 increased state regulatory powers.

The others were a voter-approved ban on state-funded abortions and a parental-consent law for minors.

Two other possible restrictive measures are a ban in state-run hospitals and a ban on employer-paid abortions for state workers.

BERMAN, ONE of the House's most vocal pro-choice members, cited a 1982 U.S. Supreme Court opinion in an Ohio case which said:


"(M)uch of the information required is designed not to inform the woman's consent but rather to persuade her to withhold it altogether."

"And subsection 5, that begins with the dubious statement that abortion is a major surgical procedure and proceeds to describe numerous possible physical and psychological complications of abortion, is a parade of horrors intended to suggest that abortion is a particularly dangerous procedure."

"We find that Akron has failed to demonstrate that any legitimate state interest is furthered by an arbitrary and inflexible waiting period."

In a 1985 case the high court said, "The states are not free, under the guise of protecting maternal health or potential life, to intimidate women into continuing their pregnancies."

"The printed materials required (are) an outright attempt to wedge the Commonwealth's message discouraging abortion into the privacy of the informed consent dialogue between the woman and her physician."



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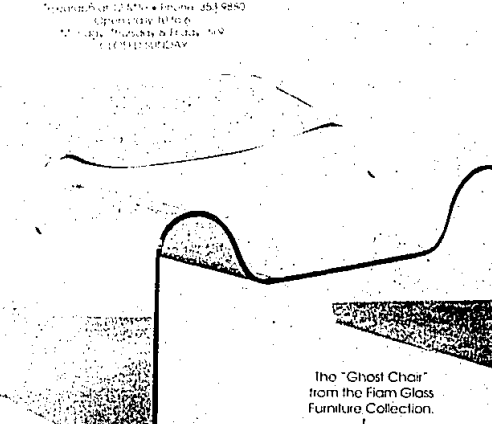
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