



STATE OF MICHIGAN
 JOCELYN BENSON, SECRETARY OF STATE
 DEPARTMENT OF STATE
 LANSING

June 3, 2019

**DEADLINE ESTABLISHED FOR SUBMISSIONS
 REGARDING PETITION SUMMARIES**

**STATEWIDE BALLOT PROPOSALS
 2019-2020 ELECTION CYCLE**

Under Michigan election law, the sponsor of an initiative, referendum, or constitutional amendment petition may request approval of the summary of the purpose of the petition, prior to placing the petition in circulation. MCL 168.482b(1), as enacted by 2018 PA 608. If a petition sponsor avails itself of this optional process, a summary of the proposal’s purpose must be prepared by the Director of Elections and presented to the Board of State Canvassers (Board) for its approval or rejection. MCL 168.482b(2), as enacted by 2018 PA 608. The deadline for the Board to approve or reject the content of the petition summary is the 30th day following the petition sponsor’s submission. MCL 168.482b(1).

If the Board approves the petition summary as prepared by the Director of Elections, the sponsor must print the full text of the approved summary in 12-point type in the heading of the petition, and the Board will be barred from considering a subsequent challenge alleging that the summary is misleading or deceptive. MCL 168.482(3), 168.482b(1), (3). Further, if the Board subsequently certifies that the petition contains a sufficient number of valid signatures to qualify for placement on the ballot, the Director of Elections and Board are authorized to draft and approve ballot wording that differs from the petition summary. Opinion of the Attorney General No. 7310 (May 22, 2019).

The “summary of the purpose of the proposed amendment or question” prepared by the Director of Elections may be up to 100 words in length, and must consist of a true and impartial statement in language that does not create prejudice for or against the proposal. MCL 168.482b(2), as enacted by 2018 PA 608. Additionally, the summary must inform signers of the subject matter of the petition but need not be legally precise, and shall use words having a common, everyday meaning to the general public. *Id.*

As of this writing, two organizations sponsoring initiative petitions have submitted requests for approval of the content of the petition summary: **Michigan Heartbeat Coalition** (submitted May 21, 2019) and **Michigan Values Life** (submitted May 30, 2019). Copies of the full text of the proposed initiated laws are attached to this announcement. **The Director of Elections is inviting public comments regarding the summaries of the purposes of these two proposed initiative petitions, including submissions of suggested language, as follows:**

<i>Deadline for submission of suggested petition summary and/or explanatory materials to staff:</i>	June 10, 2019, 5:00 p.m.
<i>Date of Board of State Canvassers meeting at which summaries will be considered:</i>	To be announced.
<i>Deadline for Board of State Canvassers to approve or reject the summary of the content of the petitions:</i>	June 19, 2019 (Michigan Heartbeat Coalition). July 1, 2019 (Michigan Values Life).

Submissions may be made via email (elections@michigan.gov), U.S. Mail (P.O. Box 20126, Lansing, Michigan 48901), or hand delivery (address provided below). **Submissions must be received in this office by the date and time specified in order to be considered.**

May 21, 2019

Board of State Canvassers
c/o Bureau of Elections
Richard H. Austin Building
430 West Allegan Street, 1st Floor
Lansing, Michigan 48918

Dear Board,

Attached is a petition for the initiation of Legislation by the Michigan Heartbeat Coalition.

Pursuant to MCL 168.482b the Heartbeat Coalition requests that the Director of Elections, Sally Williams, prepare the summary that may be up to 100 words for placement on the signature side of the petition and be placed before the Board for approval.

Please contact me with any questions or concerns at 517-763-7499.

Sincerely,



Richard S. Hagerstrom,
Attorney
P57885

2019 MAY 21 10 10 AM



INITIATION OF LEGISLATION

The circulator of this petition asserts that he or she is a Paid Signature Gatherer or Volunteer Signature Gatherer. If the petition circulator does not comply with all of the requirements of PA 116 of 1954 for petition circulators, any signature obtained by this petition circulator on this petition is invalid and will not be counted.

(Insert summary as written by Director of Elections and approved by the Board of Canvassers pursuant to MCL 168.482B)

FOR THE FULL TEXT OF THE PROPOSED LEGISLATION, SEE THE REVERSE SIDE OF THIS PETITION

We, the undersigned qualified and registered electors, residents in the _____ Congressional District in the state of Michigan, respectively petition for initiation of legislation.

WARNING - a person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

INDICATE CITY OR TOWNSHIP IN WHICH REGISTERED TO VOTE	SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	DATE OF SIGNING		
					Month	Day	Year
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	1.						
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CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	9.						

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

WARNING - a circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

Paid for with regulated funds by Michigan Heartbeat Coalition, P.O. Box 136, Belmont, MI 49306

CIRCULATOR - Do not sign or date certificate until after circulating petition.

(SIGNATURE OF CIRCULATOR)

(DATE)

(PRINTED NAME OF CIRCULATOR)

(COMPLETE RESIDENCE ADDRESS (STREET AND NUMBER OR RURAL ROUTE) DO NOT ENTER A POST OFFICE BOX)

(NAME OF CITY OR TOWNSHIP WHERE QUALIFIED TO BE REGISTERED)

(ZIP CODE)

(COUNTY OF REGISTRATION, IF REGISTERED TO VOTE, OF A CIRCULATOR WHO IS NOT A RESIDENT OF MICHIGAN)

INITIATION OF LEGISLATION

An initiation of legislation to require testing for a fetal heartbeat before the performance of an abortion; to place certain requirements and restrictions on the performance of an abortion if a fetal heartbeat is detected; to provide for the powers and duties of certain state and local governmental officers and entities; and to prescribe penalties and provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. (1) This act shall be known and may be cited as the "fetal heartbeat protection act".

(2) The intent of this act is to protect unborn living human beings with beating hearts from being victims of abortion and for other purposes.

Sec. 2. As used in this act:

(a) "Abortion" means the intentional use of an instrument, drug, or other substance or device to terminate a woman's pregnancy for a purpose other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.

(b) "Conception" means fertilization.

(c) "Contraceptive" means a drug, device, or chemical that prevents conception.

(d) "Fetal heartbeat" means cardiac activity or the steady and repetitive rhythmic contraction of the fetal heart within the gestational sac.

(e) "Fetus" means human offspring developing during pregnancy from the moment of conception, including the embryonic stage of development.

(f) "Gestational age" means the age of an unborn living human being as calculated from the first day of the last menstrual period of the pregnant woman carrying the unborn living human being.

(g) "Gestational sac" means the structure that comprises the extraembryonic membranes that envelop the fetus and that is typically visible by ultrasound after the fourth week of pregnancy.

(h) "Intrauterine pregnancy" means a pregnancy in which the fetus is attached to the placenta within the uterus of the pregnant woman.

(i) "Medical emergency" means a condition that, in a physician's good-faith medical judgment and based on the facts known to the physician at the time, so endangers the life of the pregnant woman or poses a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman as to necessitate the immediate performance or inducement of an abortion.

(j) "Physician" means that term as defined in sections 17001 and 17501 of the public health code, 1978 PA 368, MCL 333.17001 and 333.17501.

(k) "Pregnancy" means the human female reproductive condition that begins with conception, when the woman is carrying the developing human offspring, and that is calculated from the first day of the last menstrual period of the woman.

(l) "Standard medical practice" means the degree of skill, care, and diligence that an obstetrician of ordinary learning, judgment, and skill would employ in like circumstances, including employing the appropriate means of detecting a fetal heartbeat depending on the estimated gestational age of the unborn living human being and the condition of the woman and her pregnancy.

(m) "Unborn living human being" means an individual of the species *Homo sapiens* in utero.

Sec. 3. (1) Subject to subsection (2), before performing an abortion on a pregnant woman, a person shall determine whether a fetal heartbeat is detectable in the unborn living human being the pregnant woman is carrying. The person shall record in the pregnant woman's medical record the estimated gestational age of the unborn living human being, the method used to test for a fetal heartbeat, the date and time of the test, and the result of the test.

(2) The person shall make the determination described in subsection (1) in accordance with the person's good-faith understanding of standard medical practice.

Sec. 4. (1) Except as otherwise provided in this section, a person shall not knowingly perform an abortion on a pregnant woman without first determining under section 3 whether the unborn living human being the pregnant woman is carrying has a detectable fetal heartbeat.

(2) It is not a violation of subsection (1) if any of the following apply:

(a) The person performing the abortion is a physician who believes that a medical emergency exists that prevents compliance with subsection (1). A physician who performs an abortion under this subdivision shall note both of the following in the pregnant woman's medical record and shall maintain a copy of the notations in the physician's own records for at least 7 years after the notations are made:

(i) The physician's belief that a medical emergency necessitating the abortion existed.

(ii) The medical condition of the pregnant woman that prevented compliance with subsection (1).

(b) The person performing the abortion tested for the presence of a fetal heartbeat under section 3 and the test did not reveal a fetal heartbeat.

(3) Except as otherwise provided in subsection (4), a person who violates this section is guilty of a felony and shall be punished by imprisonment for not less than 2 years or more than 4 years.

(4) A person who violates this section is guilty of a felony and shall be punished by imprisonment for not less than 6 years or more than 15 years if the violation causes the death of the pregnant woman.

(5) A pregnant woman on whom an abortion is performed in violation of this section is not guilty of any of the following:

(a) Violating this section.

(b) Attempting to violate this section.

(c) Conspiring to commit a violation of this section.

Sec. 5. (1) Except in the case of a medical emergency that prevents compliance with this section, a person who detects a fetal heartbeat under section 3 in an unborn living human being that a pregnant woman is carrying shall not perform an abortion on the pregnant woman without first complying with all of the following not less than 24 hours before the person performs the abortion:

(a) Inform the pregnant woman in writing that the unborn living human being the pregnant woman is carrying has a fetal heartbeat.

(b) Inform the pregnant woman, to the best of the person's knowledge, of the statistical probability of bringing the unborn living human being possessing a detectable fetal heartbeat to term based on gestational age.

(c) Obtain the signature of the pregnant woman on a form acknowledging that she has received information from the person that the unborn living human being she is carrying has a fetal heartbeat and that she is aware of the statistical probability of bringing the unborn living human being that she is carrying to term.

(2) The requirements described in subsection (1) are in addition to any other informed consent requirement that is required by law to perform an abortion.

(3) Except as otherwise provided in subsection (4), a person who violates this section is guilty of a felony punishable by imprisonment for not more than 2 years.

(4) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 6 years if the violation causes the death of the pregnant woman.

Sec. 6. (1) Except as otherwise provided in this section, a person shall not knowingly perform an abortion on a pregnant woman who is carrying an unborn living human being whose fetal heartbeat has been detected under section 3.

(2) It is not a violation of subsection (1) if any of the following apply:

(a) The person performing the abortion is a physician who performs a medical procedure that, in the physician's reasonable medical judgment, is designed or intended to prevent the death of the pregnant woman or to prevent a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman. A physician who performs a medical procedure described in this subdivision shall declare in writing that the medical procedure is necessary, to the best of the physician's reasonable medical judgment, to prevent the death of the pregnant woman or to prevent a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman. In the document, the physician shall specify the pregnant woman's medical condition that the medical procedure is asserted to address and the medical rationale for the physician's conclusion that the medical procedure is necessary to prevent the death of the pregnant woman or to prevent a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman. The physician shall place the document in the pregnant woman's medical record and shall maintain a copy of the document in the physician's own records for at least 7 years after the date the document is created.

(b) The person performing the abortion tested for the presence of a fetal heartbeat under section 3 and the test did not reveal a fetal heartbeat.

(3) Except as otherwise provided in subsection (4), a person who violates this section is guilty of a felony and shall be punished by imprisonment for not less than 2 years or more than 4 years.

(4) A person who violates this section is guilty of a felony and shall be punished by imprisonment for not less than 6 years or more than 15 years if the violation causes the death of the pregnant woman.

(5) A pregnant woman on whom an abortion is performed in violation of this section is not guilty of any of the following:

(a) Violating this section.

(b) Attempting to violate this section.

(c) Conspiring to commit a violation of this section.

Sec. 7. (1) A person who performs an abortion on a pregnant woman in violation of section 4 or 6, fails to provide a pregnant woman with the information required under section 5, or fails to obtain the signature of a pregnant woman as required by section 5, is liable to the pregnant woman in a civil action for all of the following:

(a) At the pregnant woman's election at any time before final judgment, damages in the amount of \$10,000.00 or the amount determined by the trier of fact.

(b) Reasonable attorney fees.

(c) Court costs.

(2) An action brought under this section is subject to the same defenses and requirements of proof as an action for wrongful death under section 2922 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2922, except for any requirement of a live birth.

Sec. 8. (1) This act only applies to intrauterine pregnancies.

(2) This act does not prohibit the sale, use, prescription, or administration of a drug, device, or chemical for contraceptive purposes.

(3) Nothing in this act shall be construed as authorizing any abortion that is illegal under any other provision of state law.

(4) Nothing in this act shall be construed to repeal or amend, explicitly or by implication, any provision of law prohibiting or regulating abortion, including, but not limited to, section 14, 15, 322, or 323 of the Michigan penal code, 1931 PA 328, MCL 750.14, 750.15, 750.322, and 750.323.

(5) This act does not prohibit a person from being charged with, convicted of, or sentenced for any other violation of law arising out of the same transaction as the violation of this act in addition to being charged with, convicted of, or sentenced for the violation of this act.

(6) This act only applies to abortions that intentionally, knowingly, or recklessly cause the death of an unborn living human being.

(7) If any court issues an order or judgment that restores, expands, or clarifies the authority of this state to prohibit or regulate abortion or an amendment to the United States Constitution is adopted that restores, expands, or clarifies the authority of this state to prohibit or regulate abortion, the attorney general may apply to the appropriate state or federal court for 1 or more of the following:

(a) A declaration that a section in this act is constitutional.

(b) A judgment or order lifting an injunction against the enforcement of a section of this act.

(8) If the attorney general fails to apply for the relief described in subsection (7) within 30 days after an event described in that subsection occurs, a county prosecutor may apply to the appropriate state or federal court for the relief described in that subsection.

Enacting section 1. This act takes effect 90 days after the date it is enacted into law.

RECEIVED
MICHIGAN
2019 MAY 30 PM 12:59
ELECTIONS GREAT SEAL

DOSTER LAW OFFICES, PLLC

2145 Commons Parkway
Okemos, MI 48864

Eric E. Doster
Email: eric@ericdoster.com

(517) 483-2296 (main)
(517) 977-0147 (direct)
www.ericdoster.com

May 30, 2019

Jocelyn Benson, Secretary of State
In care of: Bureau of Elections
Richard H. Austin Building
430 W. Allegan, 1st Floor
Lansing, MI 48918

By Personal Delivery

Re: Filing of Petition Sponsored by Michigan Values Life; Request for Approval of the Content of the Petition Summary

Dear Secretary Benson:

Pursuant to MCL 168.482b, we are seeking the approval of the content of the petition summary with respect to the attached Petition proposing to initiate legislation. Please note that the attached Petition contains our own preferred language for the summary of the Petition.

Thank you for your assistance in this matter.

Sincerely,

DOSTER LAW OFFICES, PLLC



Eric Doster

ED/LM

Enclosures exhibit

CC: Genevieve Marnon (w/enclosure) at gmarnon@rtl.org
elections@michigan.gov ("482b- Petition Attached")
Sally Williams (w/enclosure) at williamssl@michigan.gov
Melissa Malerman (w/enclosure) at malermanm@michigan.gov
Lori Bourbonais (w/enclosure) at bourbonaisl@michigan.gov

The circulator of this petition is (check one): A paid signature gatherer A volunteer signature gatherer

If the circulator of this petition does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on this petition is invalid and will not be counted.

An initiation of Legislation to enact the Partial-Birth and Dismemberment Abortion Ban Act. The initiated law would ban the dismemberment abortion procedure. "Dismemberment abortion" generally means an abortion in which the physician, deliberately and intentionally uses any instrument, device, or object to dismember a living fetus by disarticulating limbs or decapitating the head from the fetal torso and removing the dismembered fetal body parts from the uterus regardless of whether the fetal body parts are removed by the same instrument, device, or object or by suction or other means. If not enacted by the Michigan State Legislature in accordance with the Michigan Constitution of 1963, the proposed legislation is to be voted on at the General Election, November 3, 2020. FOR THE FULL TEXT OF THE PROPOSED LEGISLATION TO AMEND 1931 PA 328, ENTITLED "THE MICHIGAN PENAL CODE," BY AMENDING THE TITLE AND SECTION 90H (MCL 750.90H), THE TITLE AS AMENDED BY 2010 PA 107 AND SECTION 90H AS ADDED BY 2011 PA 168, SEE THE REVERSE SIDE OF THIS PETITION.

We, the undersigned qualified and registered electors, residents in the _____ congressional district in the state of Michigan, respectively petition for initiation of legislation.

WARNING - A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

INITIATION OF LEGISLATION

INDICATE CITY OR TOWNSHIP IN WHICH REGISTERED TO VOTE	SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	DATE OF SIGNING		
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CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	8.						

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or designated agent of the Secretary of State has the same effect as if personally served on the circulator.

WARNING - A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

Paid for with regulated funds by: Michigan Values Life, P.O. Box 901, Grand Rapids, MI 49509-0901

CIRCULATOR - Do not sign or date certificate until after circulating petition.

_____/_____/_____
(Signature of Circulator) (Date)

(Printed Name of Circulator)

Complete Residence Address (Street and Number or Rural Route) [Do Not Enter a Post Office Box]

(City or Township, State, Zip Code)

(County of Registration, If Registered to Vote, of a Circulator who is not a Resident of Michigan)

INITIATION OF LEGISLATION

FULL TEXT OF THE LEGISLATIVE PROPOSAL

(Language added to the statute is shown in capital letters and deleted language is struck out with a line):

An initiation of legislation to amend 1931 PA 328, entitled "The Michigan penal code," by amending the title and section 90h (MCL 750.90h), the title as amended by 2010 PA 107 and section 90h as added by 2011 PA 168.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE:

An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; TO PROVIDE FOR THE POWERS AND DUTIES OF CERTAIN STATE GOVERNMENTAL OFFICERS AND ENTITIES, and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.

Sec. 90h. (1) This section shall be known and may be cited as the "partial-birth abortion AND DISMEMBERMENT ABORTION ban act".

(2) Except as provided in subsection (3), a physician, an individual performing an act, task, or function under the delegatory authority of a physician, or any other individual who is not a physician or not otherwise legally authorized to perform an abortion who knowingly performs a partial-birth abortion OR DISMEMBERMENT ABORTION and kills a human fetus is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$50,000.00, or both.

(3) It is not a violation of subsection (2) if in the physician's reasonable medical judgment a partial-birth abortion OR DISMEMBERMENT ABORTION is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury.

(4) The spouse of the mother at the time of the partial-birth abortion OR DISMEMBERMENT ABORTION or either parent of the mother if the mother had not attained the age of 18 at the time of the partial-birth abortion OR DISMEMBERMENT ABORTION may file a civil action against the physician or individual described in subsection (2) for a violation of this section unless the pregnancy is a result of the plaintiff's criminal conduct or the plaintiff consented to the partial-birth abortion OR DISMEMBERMENT ABORTION. A plaintiff who prevails in a civil action brought under this section may recover both of the following:

(a) Actual damages, including damages for emotional distress.

(b) Treble damages for the cost of the partial-birth abortion OR DISMEMBERMENT ABORTION.

(5) A woman who obtains or seeks to obtain a partial-birth abortion OR DISMEMBERMENT ABORTION is not a conspirator to commit a violation of this section.

(6) This section does not create a right to abortion.

(7) Notwithstanding any other provision of this section, a person shall not perform an abortion that is prohibited by law.

(8) Nothing in this section shall be construed to repeal or amend, explicitly or by implication, any provision of law prohibiting or regulating abortion, including, but not limited to, section 14, 15, 322, or 323.

(9) THE LEGISLATURE, EACH HOUSE OF THE LEGISLATURE AND A LEGISLATOR, MAY INTERVENE IN AN ACTION COMMENCED IN A COURT OF THIS STATE IF THE LEGISLATURE OR A HOUSE OF THE LEGISLATURE OR A LEGISLATOR CONSIDERS THE INTERVENTION NECESSARY TO PROTECT A RIGHT OR INTEREST OF THAT BODY OR INDIVIDUAL BECAUSE A PARTY TO THE ACTION CHALLENGES THE CONSTITUTIONALITY OR VALIDITY OF THIS SECTION. THE RIGHT TO INTERVENE UNDER THIS SUBSECTION EXISTS AT ANY STAGE OF THE PROCEEDING, AND THE LEGISLATURE, EACH HOUSE OF THE LEGISLATURE, AND A LEGISLATOR HAS THE SAME RIGHT TO PROSECUTE AN APPEAL, APPLY FOR REHEARING, OR TAKE ANY OTHER ACTION OR STEP THAT IS HAD OR POSSESSED BY A PARTY TO THE LITIGATION. THE RIGHT TO INTERVENE UNDER THIS SUBSECTION APPLIES TO A COURT PROCEEDING OCCURRING IN THIS STATE ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION OR THAT IS LATER FILED IN A COURT IN THIS STATE. THIS SUBSECTION IS SELF-EXECUTING, BUT EACH HOUSE OF THE LEGISLATURE MAY ADOPT RULES OR POLICIES TO FACILITATE THE OPERATION OF THIS SUBSECTION. THIS SUBSECTION DOES NOT LIMIT A RIGHT OR DUTY OF THE ATTORNEY GENERAL AS PROVIDED BY LAW AND INTERVENTION UNDER THIS SUBSECTION IS NOT A WAIVER OF LEGISLATIVE IMMUNITY.

(10) ~~(9)~~ As used in this section:

(A) "DISMEMBERMENT ABORTION" MEANS AN ABORTION IN WHICH THE PHYSICIAN, AN INDIVIDUAL ACTING UNDER THE DELEGATORY AUTHORITY OF THE PHYSICIAN, OR ANY OTHER INDIVIDUAL PERFORMING THE ABORTION DELIBERATELY AND INTENTIONALLY USES ANY INSTRUMENT, DEVICE, OR OBJECT TO DISMEMBER A LIVING FETUS BY DISARTICULATING LIMBS OR DECAPITATING THE HEAD FROM THE FETAL TORSO AND REMOVING THE DISMEMBERED FETAL BODY PARTS FROM THE UTERUS REGARDLESS OF WHETHER THE FETAL BODY PARTS ARE REMOVED BY THE SAME INSTRUMENT, DEVICE, OR OBJECT OR BY SUCTION OR OTHER MEANS. DISMEMBERMENT ABORTION DOES NOT INCLUDE AN ABORTION THAT USES SUCTION TO DISMEMBER AND REMOVE A BODY OF A FETUS FROM THE UTERUS.

(B) ~~(a)~~ "Partial-birth abortion" means an abortion in which the physician, an individual acting under the delegatory authority of the physician, or any other individual performing the abortion deliberately and intentionally vaginally delivers a living fetus until, in the case of a headfirst presentation, the entire fetal head is outside the body of the mother, or in the case of breech presentation, any part of the fetal trunk past the ~~navel~~ NAVEL is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus, and performs the overt act, other than completion of delivery, that kills the partially delivered living fetus.

(C) ~~(b)~~ "Physician" means an individual licensed by this state to engage in the practice of medicine or the practice of osteopathic medicine and surgery under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

Enacting section 1. (1) Every provision in this amendatory act and every application of the provisions in this amendatory act are severable from each other. If any application of a provision in this amendatory act to any person or group of persons or circumstances is found by a court to be invalid, the remainder of this amendatory act and the application of the amendatory act's provisions to all other persons and circumstances shall not be affected. All constitutionally valid applications of this amendatory act shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the legislature's intent and priority that the valid applications be allowed to stand alone. Even if a reviewing court finds a provision of this amendatory act invalid in a large or substantial fraction of relevant cases, the remaining valid application shall be severed and allowed to remain in force.

(2) The provisions of this amendatory act shall be construed, as a matter of state law, to be enforceable up to but no further than the maximum possible extent consistent with federal constitutional requirements, even if that construction is not readily apparent, as such constructions are authorized only to the extent necessary to save the amendatory act from judicial invalidation. If any court determines that any provision of this amendatory act is unconstitutionally vague, it shall interpret this amendatory act, as a matter of state law, in a manner that avoids the vagueness problem while enforcing the amendatory act's provisions to the maximum possible extent consistent with federal constitutional requirements.