

HOUSE BILL No. 4765

June 14, 2017, Introduced by Reps. Love, Cochran, Dianda, Sneller, Chang, Gay-Dagnogo, Sabo, Jones, Sowerby, Wittenberg, Geiss, Pagan, Hoadley, Brinks, Hertel, Greig, Moss, Hammoud and Durhal and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 20181 (MCL 333.20181) and by adding section
20184a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20181. **(1) THE IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY**
2 **OR PENALTY PROVIDED IN THIS SECTION AND SECTIONS 20182 AND 20183**
3 **APPLIES ONLY IF THE HEALTH FACILITY COMPLIES WITH SECTION 20184A.**

4 **(2)** A hospital, clinic, institution, teaching institution, or
5 other health facility is not required to admit a patient for the
6 purpose of performing an abortion. A hospital, clinic, institution,
7 teaching institution, or other health facility or a physician,

1 member, or associate of the staff, or other person connected
2 therewith, may refuse to perform, participate in, or allow to be
3 performed on its premises an abortion. The refusal shall be with
4 immunity from any civil or criminal liability or penalty.

5 **SEC. 20184A. (1) NOTWITHSTANDING SECTIONS 20181 TO 20184, A**
6 **HEALTH FACILITY SHALL NOT REFUSE TO PROVIDE REPRODUCTIVE HEALTH**
7 **SERVICES TO AN INDIVIDUAL IF WITHHOLDING THE REPRODUCTIVE HEALTH**
8 **SERVICE WOULD RESULT IN OR PROLONG AN IMMINENT SERIOUS RISK TO THE**
9 **INDIVIDUAL'S LIFE OR HEALTH AND SHALL NOT LIMIT OR OTHERWISE**
10 **INTERFERE WITH A PHYSICIAN'S OR OTHER HEALTH CARE PROFESSIONAL'S**
11 **INDEPENDENT PROFESSIONAL JUDGMENT CONCERNING THE PRACTICE OF**
12 **MEDICINE OR THE DIAGNOSIS OR TREATMENT OF A PATIENT, INCLUDING, BUT**
13 **NOT LIMITED TO, THE FOLLOWING:**

14 **(A) LIMITING A HEALTH CARE PROFESSIONAL'S DUTY TO FOLLOW THE**
15 **STANDARD OF CARE FOR PROVIDING THE PATIENT WITH COMPREHENSIVE,**
16 **MEDICALLY ACCURATE INFORMATION ABOUT HIS OR HER HEALTH STATUS,**
17 **INCLUDING DIAGNOSIS, PROGNOSIS, RECOMMENDED TREATMENT, AND**
18 **POTENTIAL RISKS TO THE PATIENT'S LIFE OR HEALTH.**

19 **(B) LIMITING A HEALTH CARE PROFESSIONAL'S REFERRALS TO ANOTHER**
20 **HEALTH FACILITY OR LIMITING THE TIMING OF A REFERRAL.**

21 **(C) PROHIBITING A HEALTH CARE PROFESSIONAL FROM OFFERING OR**
22 **DELIVERING A REPRODUCTIVE HEALTH SERVICE IF WITHHOLDING THE**
23 **REPRODUCTIVE HEALTH SERVICE OR MEDICALLY ACCURATE INFORMATION WOULD**
24 **RESULT IN OR PROLONG AN IMMINENT SERIOUS RISK TO THE INDIVIDUAL'S**
25 **LIFE OR HEALTH.**

26 **(2) SUBSECTION (1) DOES NOT REQUIRE A HEALTH FACILITY TO**
27 **PROVIDE A REPRODUCTIVE HEALTH SERVICE UNLESS FAILURE TO PROVIDE**

1 THAT SERVICE WOULD RESULT IN OR PROLONG AN IMMINENT SERIOUS RISK TO
2 THE INDIVIDUAL'S LIFE OR HEALTH.

3 (3) A HEALTH CARE PROFESSIONAL, THE ATTORNEY GENERAL, A
4 PATIENT OF THE HEALTH FACILITY, AN INDIVIDUAL WHO SOUGHT TREATMENT
5 AT THE HEALTH FACILITY, OR AN INDIVIDUAL WHO IS INJURED BY A
6 VIOLATION OF THIS SECTION MAY BRING A CIVIL ACTION IN A COURT OF
7 COMPETENT JURISDICTION TO ENJOIN FURTHER VIOLATIONS, TO RECOVER
8 DAMAGES SUFFERED FROM THE VIOLATION ON BEHALF OF THE INJURED
9 INDIVIDUAL, OR FOR BOTH AN INJUNCTION AND DAMAGES. A PLAINTIFF WHO
10 PREVAILS IN AN ACTION UNDER THIS SUBSECTION MAY BE AWARDED UP TO 3
11 TIMES THE ACTUAL DAMAGES, COMPENSATION FOR PAIN AND SUFFERING, AND
12 COURT COSTS AND ATTORNEY FEES, BUT SHALL BE AWARDED NOT LESS THAN
13 \$1,000.00 PER VIOLATION IN DAMAGES IN ADDITION TO COURT COSTS AND
14 ATTORNEY FEES.

15 (4) AS USED IN THIS SECTION:

16 (A) "HEALTH CARE PROFESSIONAL" MEANS AN INDIVIDUAL LICENSED OR
17 OTHERWISE AUTHORIZED TO PRACTICE MEDICINE UNDER ARTICLE 15, EXCEPT
18 THAT HEALTH CARE PROFESSIONAL DOES NOT INCLUDE A SANITARIAN OR A
19 VETERINARIAN.

20 (B) "HEALTH FACILITY" MEANS A HEALTH FACILITY OR AGENCY AND
21 MAY INCLUDE A CLINIC, INSTITUTION, OR TEACHING FACILITY ASSERTING
22 PROTECTION UNDER SECTIONS 20181 TO 20183.

23 (C) "MEDICALLY ACCURATE INFORMATION" MEANS INFORMATION THAT IS
24 ANY OF THE FOLLOWING:

25 (i) VERIFIED OR SUPPORTED BY THE WEIGHT OF PEER-REVIEWED
26 MEDICAL RESEARCH CONDUCTED IN COMPLIANCE WITH ACCEPTED SCIENTIFIC
27 METHODS.

1 (ii) RECOGNIZED AS CORRECT AND OBJECTIVE BY LEADING MEDICAL
2 ORGANIZATIONS WITH RELEVANT EXPERTISE.

3 (iii) RECOMMENDED AND AFFIRMED IN THE MEDICAL PRACTICE
4 GUIDELINES OF A NATIONALLY RECOGNIZED ACCREDITING ORGANIZATION.

5 (D) "REPRODUCTIVE HEALTH SERVICE" INCLUDES, BUT IS NOT LIMITED
6 TO, CONTRACEPTION, ABORTION, TREATMENT OF ECTOPIC PREGNANCY,
7 MISCARRIAGE MANAGEMENT, USE OF ASSISTED REPRODUCTIVE TECHNOLOGY,
8 INFERTILITY TREATMENT, SCREENING FOR AND TREATMENT OF SEXUALLY
9 TRANSMITTED INFECTIONS, PREGNANCY AND POSTNATAL CARE, AND
10 STERILIZATION.

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