



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 44 (Substitute S-2 as reported)
Senate Bill 45 (as reported without amendment)
Sponsor: Senator Paul Wojno (S.B. 44)
Senator Sylvia Santana (S.B. 45)
Committee: Health Policy

CONTENT

Senate Bill 44 (S-2) would amend Part 161 (General Provisions) of the Public Health Code to prohibit a licensee, registrant, or medical student from performing an invasive bodily examination on an anesthetized or unconscious patient unless specified requirements were met.

Senate Bill 45 would amend Part 161 of the Public Health Code to define "invasive bodily examination" as a pelvic, vaginal, rectal, or prostate examination.

The bills are tie-barred.

Proposed MCL 333.16279 (S.B. 44)
MCL 333.16105 & 333.16106 (S.B. 45)

BRIEF RATIONALE

The practice of performing invasive examinations on anesthetized patients without informed consent has raised concerns about whether those exams are a violation of a person's bodily autonomy. According to testimony, a study of 101 medical students from seven major American medical schools concluded that 47% of medical students who conducted pelvic exams on anesthetized patients and who did not ask for informed consent before the exam were uncomfortable with their medical school's practices. It has been suggested that informed consent be required before such an examination to avoid these concerns.

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

Senate Bills 44 and 45 are reintroductions of Senate Bills 7 and 6 from the 2021-2022 Legislative Session, respectively.

Legislative Analyst: Alex Krabill

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Date Completed: 11-3-23

Fiscal Analyst: Joe Carrasco, Jr.