



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 548 (as introduced 6-30-11)
Sponsor: Senator Judy K. Emmons
Committee: Judiciary

Date Completed: 10-25-11

CONTENT

The bill would amend Part 169 (Marriage and Family Therapy) of the Public Health Code to do all of the following:

- Revise an exemption from Part 169 for a member of the clergy.**
- Specify that Part 169 would not apply to a member of the clergy or other religious practitioner authorized to officiate at a marriage, as long as he or she met certain requirements and did not use any titles for a marriage and family therapist.**
- Exempt from Part 169 a person who provided only prayer to address individual, marital, or family conflict and did not use any titles for a marriage and family therapist.**
- Specify that an individual exempt from Part 169 would not be prohibited from issuing unpaid public awareness campaigns or educational or promotional materials.**

"Member of the clergy" would mean a priest, rabbi, Christian Science practitioner, or other religious practitioner or similar functionary of a church, temple, or recognized religious body, denomination, or tax-exempt organization.

Revised Clergy Exception

Part 169 prescribes licensure requirements for marriage and family therapists, and restricts the use of certain words and titles, including "marriage advisor", "marriage consultant", "family counselor", "marriage relations counselor", and "marital counselor", to those individuals authorized under Part 169 to use them.

Part 169 does not apply to an ordained cleric or other religious practitioner, who is employed by or working under the authority of an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, if the cleric or practitioner does not hold himself or herself out to the public as a marriage and family therapist licensed under the Public Health Code or use one or more of the titles reserved for marriage and family therapists, and if no fee or donation is exacted for the service.

The bill, instead, would exempt from Part 169 a service provider who was a member of the clergy or other religious practitioner who was employed by or working under the authority of a tax-exempt organization and who provided advice, guidance, or teaching based on his or her religious beliefs, creeds, or doctrines, if the service provider did not hold himself or

herself out to the public as a licensed marriage and family therapist or use one or more of the titles reserved for marriage and family therapist, and if no fee or donation were exacted for the service. The bill specifies, however, that Part 169 would not prohibit a service provider from accepting a voluntary contribution.

Additional Clergy Exceptions

The bill specifies that Part 169 would not apply to a service provider who was a member of the clergy or other religious practitioner and who had been authorized by law to officiate at a marriage, if he or she provided a written affidavit clearly stating that he or she was a member of the clergy or a religious practitioner, was not a licensed marriage and family therapist, and did not use one or more of the titles reserved for licensed marriage and family therapists, and that the advice, guidance, or teaching offered was based on the service provider's religious beliefs, creeds, or doctrines.

Part 169 also would not apply to an individual who only provided prayer to address individual, marital, or family conflict or discord, if the individual did not hold himself or herself out to the public as a marriage and family therapist and did not use one or more of the titles reserved for licensed marriage and family therapists.

Advertising

Unless exempt under Part 169, only an individual licensed under Part 169 may advertise that he or she offers marriage and family therapy, counseling, or related services or advice. The bill specifies that Part 169 would not prohibit an individual exempt under that part from issuing unpaid public awareness campaigns or educational or promotional materials.

Part 169 defines "advertise" as issuing or ordering the printing or distribution of a card, sign, or device or causing, permitting, or allowing a sign or marking on or in a building or structure, or placing material in a newspaper, magazine, or directory, or on radio or television. The bill specifies that the term would not include unpaid public awareness campaigns or educational or promotional materials by individuals exempt from Part 169.

MCL 333.16901 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.