



**House
Legislative
Analysis
Section**

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**HEALTH FACILITIES: ALLOW
CONSCIENTIOUS OBJECTION**

House Bill 5897

Sponsor: Rep. Tony Stamas

Committee: Health Policy

Complete to 4-19-02

A SUMMARY OF HOUSE BILL 5897 AS INTRODUCED 4-16-02

House Bill 5897 would create a new act to allow a “health facility” to assert as a matter of conscience, on an ethical, moral, or religious ground, an objection to providing or participating in a “health care service.” A facility asserting an allowable conscientious objection would be required to provide notice of its objection through written public notice or personally in writing at the time an individual sought to obtain that service from the facility.

A facility could not assert such an objection to a service if the facility routinely provided or participated in the service and the objection was based on a disagreement with a member of a health profession employed by, under contract to, or granted privileges by the facility regarding the medical appropriateness of a service for a specific patient if the patient had already consented to the provision of the service. Nor could an objection “exclude an entire health profession.” (For instance, a health facility could not assert a conscientious objection to providing or participating in chiropractic services as a whole.) A facility’s objection to providing or participating in a health care service could not be a basis for either of the following: civil, criminal, or administrative liability; or eligibility discrimination against the facility in a grant, contract, or program, where providing or participating in the service was not expressly required as a condition of eligibility for the grant, contract, or program.

“Health facility” would mean a health facility or agency as defined in the Public Health Code, a private physician office, or a public or private institution, teaching institution, pharmacy, corporation, partnership, or sole proprietorship that provided a health care service to an individual. “Health care service” would mean the provision or withdrawal of, or research or experimentation involving, a medical treatment, procedure, device, medication, drug, or other substance intended to affect the physical or mental condition of an individual. “Participating in” a service would include counseling, referring, performing, administering, prescribing, dispensing, treating, withholding, withdrawing, diagnosing, testing, evaluating, training, researching, preparing, or providing material or physical assistance in a health care service.

(House Bill 5897 is identical to Senate Bill 1228.)

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