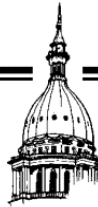




Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



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Senate Bill 136 (Substitute S-1 as reported)  
Sponsor: Senator John Moolenaar  
Committee: Health Policy

**CONTENT**

The bill would create the "Religious Liberty and Conscience Protection Act" to do the following:

- Allow a health facility to assert as a matter of conscience an objection to participating in a health care service, and decline to participate in that service, subject to certain exceptions.
- Allow a health care payer to decline to offer a contract, policy, or product that paid for, or facilitated payment for, a health care service that violated the payer's conscience.
- Allow a health care purchaser to decline to purchase or contribute financially toward the purchase of a contract, policy, or product that included coverage for a health care service that violated the purchaser's conscience.
- Subject to certain expectations, allow a health provider employed by, under contract with, or granted privileges by a county medical care facility or nursing home to request accommodation to avoid participating in an act to remove a life-sustaining device, if he or she objected to such an act as a matter of conscience.
- Require an employer (other than a county medical care facility or nursing home) that employed, contracted with, or granted privileges to a health provider to adopt and implement a policy to address situations in which a health provider had an objection to participating in a health care service as a matter of conscience.
- Require a university, college, or educational institution where education and training regarding the provision of a health care service were conducted to adopt a similar policy applicable to its students, faculty, and staff members.
- Prohibit an employer from asking a prospective health provider about his or her objection to participating in a health care service, or from refusing to employ, contract with, or grant privileges to a provider who requested accommodation, unless the service was a regular or substantial portion of the normal course of duties.
- Prohibit an employer from penalizing a health provider and prohibit a university, college, or educational institution from refusing admission to an individual or penalizing a student or member of its faculty or staff for expressing a conscientious objection or requesting an accommodation to avoid participating in a health care service.
- Protect a payer who asserted an objection from civil, criminal, and administrative liability.
- Protect a facility or provider who asserted an objection or requested reasonable accommodation from civil liability; criminal, administrative, and licensure action; and discrimination regarding eligibility for a grant, contract, or program.
- Prohibit discrimination against a payer that asserted an objection, or a provider who requested reasonable accommodation.
- Allow a provider to bring a civil action if he or she were discriminated against as a result of his or her request for reasonable accommodation.
- Prescribe a civil infraction fine of up to \$1,000 per day or per occurrence for a violation of the proposed Act.

The required policies would have to be adopted and implemented within six months after the bill took effect.

"Conscience" would mean sincerely held convictions arising from a belief in God or the tenets of an established religion, or from the ethical or moral principles of a generally recognized philosophy or belief system to which an individual asserting those convictions can refer as a basis for those convictions. An entity's conscience would have to be determined by reference to existing or proposed religious, moral, or ethical guidelines, mission statement, constitution, bylaws, articles of incorporation, or regulations.

Date Completed: 3-27-13

Legislative Analyst: Julie Cassidy

**FISCAL IMPACT**

The bill would have no fiscal impact on the Department of Licensing and Regulatory Affairs. Any revenue collected under the civil fine established in the bill would benefit public libraries.

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.