



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 1151, 1152, and 1175 (Substitute S-1 as passed by the Senate)
Senate Bills 1163 and 1164 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Mary Cavanagh (S.B. 1151 & 1152)
Senator Mallory McMorrow (S.B. 1163, 1164, & 1175)
Committee: Health Policy

Date Completed: 1-30-25

CONTENT

Senate Bill 1151 (S-1) would amend the Public Health Code to prohibit a disciplinary subcommittee or a board or task force from denying a medical license to a licensee, a registrant, or an applicant or imposing sanctions against a licensee or registrant because the individual was subject to discipline or other penalty in another state for conduct that was prohibited in that state but would otherwise be protected under the fundamental right to reproductive freedoms provided in the State Constitution.

Senate Bill 1152 (S-1) would amend the Revised Judicature Act to specify that evidence related to the involvement of a person engaging in one or more legally protected health activities relating to reproductive health services would be inadmissible as evidence that the person had engaged in any wrongdoing.

Senate Bill 1163 (S-2) would amend the Uniform Criminal Extradition Act to provide that no person could be arrested or delivered to the executive authority of another state for acts committed in Michigan involving a legally protected health activity.

Senate Bill 1164 (S-2) would amend the Code of Criminal Procedure to prohibit the Governor from recognizing another state's demand for a person's extradition and a law enforcement officer from cooperating in that person's extradition if the person were charged for receiving or performing a legally protected health activity.

Senate Bill 1175 (S-1) would amend the Address Confidentiality Program Act to expand the definition of "application assistant" to include an employee or volunteer at an agency or organization that served reproductive health care providers and patients.

Senate Bill 1151 is tie-barred to Senate Bill 1152. Senate Bills 1163 and 1164 are tie-barred.

Senate Bill 1151 (S-1)

Under the bill, all the following would apply to a medical licensee, a registrant, or an applicant for medical licensure or registration who was subject to discipline or other penalty in another state for conduct that was prohibited in that state but would otherwise be protected under Section 28 of Article I of the State Constitution¹ or would be considered engaging in a legally protected health activity:

¹ Section 28 of Article I of the State Constitution establishes fundamental rights to reproductive freedom, and specifically concerning the bill, prohibits discrimination in the protection or enforcement of this fundamental right.

- A disciplinary subcommittee could not impose a sanction against the licensee or registrant or the applicant for licensure or registration under the Code on the basis that the licensee or registrant was subject to discipline or other penalty for the conduct in the other state.
- A board or task force or the Department of Licensing and Regulatory Affairs could not deny an application for licensure or registration for the conduct on the basis that the licensee or registrant was subject to discipline or other penalty for the conduct in the other state.

"Legally protected health activity" would mean that term as defined below.

Senate Bill 1152 (S-1)

"Legally protected health activity" would mean seeking, providing, receiving, or referring for reproductive health services; assisting in seeking, providing, or receiving reproductive health services; providing material support for traveling to receive reproductive health services; or other similar conduct, that is not unlawful in the State, including under any theory of vicarious, joint, several, or conspiracy liability, to the extent the activity is not in violation of the State Constitution or other law of the State, and if the provider is physically present in the State.

"Reproductive health services" would mean all services, care, or products of a medical, surgical, psychiatric, therapeutic, diagnostic, mental health, behavioral health, preventative, rehabilitative, supportive, consultative, referral, prescribing, or dispensing nature relating to the human reproductive system, including endocrine health care, provided in accordance with the State Constitution and the laws of the State, whether provided in person or by means of telehealth or telehealth services, which includes, all services, care, and products relating to pregnancy, assisted reproduction, contraception, miscarriage management or the termination of a pregnancy, and self-managed terminations.

Under the bill, evidence related to the involvement of a person engaging in one or more legally protected health activities would be inadmissible as evidence that the person had engaged in any wrongdoing, whether civil, criminal, professional, or otherwise.

This would not apply to an action to which the following applied:

- The action sounded in tort or contract.
- The action presented a cause of action that was recognized, in an equivalent or similar manner, under the laws of the State.
- The action was brought by the individual who received the reproductive health services or by the individual's legal representative.

The clerk of the Circuit Court could not issue a subpoena under the Act if the foreign proceeding to which the subpoena related regarded a legally protected health activity.

The bill would not apply if all the following applied to the foreign proceeding:

- The proceeding sounded in tort or contract.
- The proceeding presented a cause of action that was recognized, in an equivalent or similar manner, under the State's laws.
- The proceeding was brought by the individual who received the reproductive health services or by the individual's legal representative, if the individual gave express consent.

A person could bring a civil action in the Circuit Court for unlawful interference with protected rights against another person if the other person commenced an action in any court in the

U.S. in which the allegations against the person, whether civil or criminal, involved accessing, providing, facilitating, or attempting to access, provide, or facilitate any of the following:

- Any lawfully provided medical care, including reproductive or endocrine health care.
- All medical, surgical, counseling, or referral services related to the human reproductive system, including services related to pregnancy, contraception, or the termination of a pregnancy.

The civil action could not be commenced more than six years after the date on which the right to file the action arose.

If the person that brought an action under the bill proved that the person exercised or attempted to exercise, or facilitated or attempted to facilitate the exercise of, a right protected under the State Constitution or permitted by the laws of the State to obtain or provide the medical care described in the bill, and that the exercise, attempted exercise, facilitation, or attempted facilitation resulted in litigation or criminal charges brought against the person in any court in the U.S., the court would have to award the person all of the following:

- Compensatory damages.
- Costs and attorney fees, including expert witness fees.
- Punitive damages, if the court determined that the action against the person was commenced or continued for the purpose of harassing, intimidating, punishing, or otherwise maliciously inhibiting the exercise of rights protected in the State, including, but not limited to, the right to medical care described in the bill.

The bill would not affect or preclude the right of a person to recovery under any other law.

Senate Bill 1163 (S-2)

The Uniform Criminal Extradition Act provides that it is the duty of the Governor to have arrested and delivered up to the executive authority of any other state of the U.S. any person charged in that state with treason, felony, or other crime, who has fled from justice and is found in the State. The Governor may also surrender on demand of the executive authority of any other state any person in the State who is charged with having violated the laws of the state whose executive authority is making the demand, even though the person left the demanding state involuntarily.

The bill would provide that a person could not be surrendered for acts committed in the State involving a legally protected health activity. The bill would also provide that nothing in the Act limits any person's right to move freely between states or to enjoy the privileges and immunities of the State, and no person could be arrested or delivered up to the executive authority of any other state of the U.S. for acts committed in the State involving a legally protected health activity.

"Legally protected health activity" would mean seeking, providing, receiving, or referring for reproductive health services; assisting in seeking, providing, or receiving reproductive health services; providing material support for traveling to receive reproductive health services; or other similar conduct, that is not unlawful in the State, including under any theory of vicarious, joint, several, or conspiracy liability, to the extent the activity is not in violation of the State Constitution or other State law, and if the provider is physically present in this the State.

"Reproductive health services" would mean all services, care, or products of a medical, surgical, psychiatric, therapeutic, diagnostic, mental health, behavioral health, preventative, prescribing, or dispensing nature relating to the human reproductive system, including

endocrine health care, provided in accordance with the State Constitution and the laws of the State, whether provided in person or by means of telehealth or telehealth services, which includes, all services, care, and products relating to pregnancy, assisted reproduction, contraception, miscarriage management or the termination of a pregnancy, and self-managed terminations.

Under the Act, whenever any person within Michigan is charged on the oath of any credible person before any judge or magistrate with the commission of any crime in any other state, a judge of Michigan must issue a warrant to apprehend the person. Under the bill, this requirement would not apply to a crime arising from acts committed in Michigan involving a legally protected health activity.

Senate Bill 1164 (S-2)

The Code of Criminal Procedure establishes the duty of the Governor to comply with another state's demand to extradite an alleged fugitive. The Governor must issue an order or warrant to a sheriff to apprehend the alleged fugitive and the Sheriff must extradite the alleged fugitive if the other state's demand is made according to applicable laws. Under the bill, except as by Federal law, no demand for the extradition of a person charged with a legally protected health activity could be recognized by the Governor unless the executive authority of the demanding state alleged in writing that the alleged fugitive was physically present in the demanding state at the time of the commission of the alleged crime and that thereafter the alleged fugitive fled.

Additionally, the bill would add Chapter IV to prohibit a law enforcement officer or a peace officer from arresting any person for performing a legally protected health activity. A law enforcement agency of Michigan or any political subdivision of Michigan also could not cooperate with, assist in, or provide information to any out-of-state law enforcement agency regarding an investigation into a legally protected health activity.

Senate Bill 1175 (S-1)

The Act establishes the Address Confidentiality Program in the Department of Attorney General and allows eligible individuals to apply to the Program to acquire and use a designated address with the help of an application assistant. Under the Act, "application assistant" means an employee or volunteer at an agency or organization that serves victims of domestic violence, stalking, human trafficking, or sexual assault who has received training and certification from the Department of the Attorney General to help individuals complete applications to become Address Confidentiality Program participants. The bill would expand this definition to include an employee or volunteer at an agency or organization that serves reproductive health care providers and patients who has received training and certification from the Department of the Attorney General to help individuals complete applications to become program participants.

Under the bill, "reproductive health care provider and patient" would mean any of the following:

- A health professional who provides reproductive health care services.
- An individual who assists other individuals seeking or receiving reproductive health care services.
- An employee, volunteer, or immediate family member of a health professional who provides reproductive health care services.
- An individual who receives reproductive health care services from a health professional who provides reproductive health care services.

-- An individual who owns or operates a health facility or agency in which reproductive health care services are provided.

Proposed MCL 333.16225 (S.B. 1151)
MCL 600.2203 et al. (S.B. 1152)
MCL 780.1 et al. (S.B. 1163)
MCL 761.1 et al. (S.B. 1164)
MCL 780.853 (S.B. 1175)

BRIEF RATIONALE

According to testimony, pregnant individuals in states such as Florida and Texas are subject to abortion bans. Reportedly, pregnant individuals in those states travel to Michigan to receive reproductive healthcare, including abortion. Some believe that the State should offer legal protection to the out-of-state individuals to encourage access to reproductive healthcare and prevent negative health outcomes. Accordingly, exemptions to extradition laws for out-of-state pregnant individuals seeking legally established reproductive healthcare in Michigan have been suggested.

Legislative Analyst: Alex Krabill

FISCAL IMPACT

Senate Bill 1151 (S-1)

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

Senate Bill 1152 (S-1)

There is no expected fiscal impact to the State or local courts.

Senate Bills 1163 (S-2) & 1164 (S-2)

The bills would have a minimal fiscal impact on State and local governments other than the education and training of law enforcement agencies as to the requirements of the bill, likely provided by the Michigan Council on Law Enforcement Standards. They would have no fiscal impact on State or local courts or the Attorney General.

Senate Bill 1175 (S-1)

There would be no fiscal impact on courts or the Department of the Attorney General.

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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.