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INTERFERENCE AT CLINICS

House Bill 4618

Sponsor: Rep. Maxine Berman

Committee: Civil Rights &

Women's Issues

Complete to 6-10-93

A SUMMARY OF HOUSE BILL 4618 AS INTRODUCED 4-20-93

The bill would amend the Revised Judicature Act (MCL 600.2955) to prohibit a person from interfering with another's right to enter, exit, or occupy a health facility and to provide penalties for violations of these provisions. The provisions of the bill would apply to premises on which counseling, medical information, and pharmaceutical or medical services were legally offered to the general public; and to a "health facility or agency" as defined in the Public Health Code, including clinical laboratories, county medical care facilities, hospitals, and nursing homes. The provisions of the bill would not apply to a state or local unit of government acting within its statutory or constitutional authority to protect public health or safety. Otherwise, the following activities would be prohibited under the bill:

****Acting, or attempting to act, to physically restrain a person from entering, exiting, or occupying a health facility.**

****Blocking or obstructing a health facility entrance or exit, or physically interfering with a person's ability to lawfully enter, exit, or occupy a health facility.**

****Aiding another person in violating, or attempting to violate, the provisions of the bill.**

Penalties. Under the bill, the attorney general, a prosecuting attorney, or a person aggrieved by a violation of the provisions of the bill could bring a civil action for one or more of the following:

- a) An order enjoining conduct that violates the provisions of the bill.
- b) The greater of: i) treble damages or ii) exemplary damages in the amount of \$5,000 for each violation.
- c) Costs and reasonable attorney fees.

The bill would also allow a court to order a person in violation of the bill to reimburse a state or local unit of government for the salaries or wages of law enforcement personnel, fire fighters, and emergency medical service personnel, including volunteer fire fighters and medical service personnel, for time spent in responding to the violation. Unless otherwise ordered by the court, the reimbursement would be immediately paid to the clerk

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of the court, and the appropriate amount would then be transmitted to the unit or units of government named in the order to receive reimbursement. If the court order did not specify immediate payment then the reimbursement order would have to identify the time period within which payment was to be made, and could provide for installment payments.

Liability. Liability for payment of damages and costs, fees, and reimbursement under the provisions of the bill would be joint and several. Subsequent violations of the provisions of the bill would each constitute separate violations.