

HOUSE BILL No. 5897

April 16, 2002, Introduced by Rep. Stamas and referred to the Committee on Health Policy.

A bill to allow certain health facilities to object to providing or participating in certain procedures under certain circumstances; to provide for protection from certain liability; and to provide for remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Health facility" means a health facility or agency as
3 defined in section 20106 of the public health code, 1978 PA 368,
4 MCL 333.20106, a private physician office, or a public or private
5 institution, teaching institution, pharmacy, corporation, part-
6 nership, or sole proprietorship that provides a health care serv-
7 ice to an individual.

8 (b) "Health care service" means the provision or withdrawal
9 of, or research or experimentation involving, a medical
10 treatment, procedure, device, medication, drug, or other

1 substance intended to affect the physical or mental condition of
2 an individual.

3 (c) "Health profession" means a vocation, calling, occupa-
4 tion, or employment performed by individuals acting pursuant to a
5 license or registration issued under article 15 of the public
6 health code, 1978 PA 368, MCL 333.16101 to 333.18838.

7 (d) "Participate or participating" means, at a minimum, to
8 counsel, refer, perform, administer, prescribe, dispense, treat,
9 withhold, withdraw, diagnose, test, evaluate, train, research,
10 prepare, or provide material or physical assistance in a health
11 care service.

12 Sec. 2. (1) Pursuant to this section, a health facility may
13 assert as a matter of conscience, on an ethical, moral, or reli-
14 gious ground, an objection to providing or participating in a
15 health care service.

16 (2) A health facility shall not assert an objection
17 described in subsection (1) under any of the following
18 circumstances:

19 (a) The objection is to a health care service the health
20 facility routinely provides or participates in and is based on a
21 disagreement with a member of a health profession employed by,
22 under contract to, or granted privileges by the health facility
23 regarding the medical appropriateness of a health care service
24 for a specific patient if the patient has consented to the provi-
25 sion of the health care service.

26 (b) The objection excludes an entire health profession.

1 (3) A health facility shall provide notice of an objection
2 described in subsection (1) to providing a health care service
3 through written public notice or personally in writing at the
4 time an individual seeks to obtain that health care service from
5 the health facility.

6 (4) A health facility's objection as described in subsection
7 (1) to providing or participating in a health care service shall
8 not be a basis for 1 or more of the following:

9 (a) Civil, criminal, or administrative liability.

10 (b) Eligibility discrimination against the health facility
11 in a grant, contract, or program, where providing or participat-
12 ing in the health care service is not expressly required as a
13 condition of eligibility for the grant, contract, or program.