

HOUSE BILL No. 5281

August 26, 2009, Introduced by Rep. Haveman and referred to the Committee on Judiciary.

A bill to protect the right of an employee or student to assert conscientious objection to certain counseling; to prohibit certain actions by employers and institutions of higher education; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "Julea
2 Ward freedom of conscience act".

3 Sec. 3. As used in this act:

4 (a) "Damages" means damages for injury or loss caused by each
5 violation of this act, including reasonable attorney fees.

6 (b) "Employer" means a person who has 10 or more employees.

7 Sec. 5. An employer shall not discharge, threaten, or
8 otherwise discriminate against an employee regarding the employee's

1 compensation, terms, conditions, location, or privileges of
2 employment because an employee who provides counseling services
3 refuses to counsel a client as to goals that conflict with a
4 sincerely held religious belief or moral conviction of the
5 employee, if the employee refers the client to a counselor who will
6 provide the counseling.

7 Sec. 7. A public or private degree or certificate granting
8 college, university, junior college, or community college of this
9 state shall not discipline or discriminate against a student in a
10 counseling program because the student refuses to counsel a client
11 as to goals that conflict with a sincerely held religious belief or
12 moral conviction of the student, if the student refers the client
13 to a counselor who will provide the counseling.

14 Sec. 9. (1) An employee or student who alleges a violation of
15 this act may bring a civil action for appropriate injunctive
16 relief, or actual damages, or both within 90 days after the
17 occurrence of the alleged violation of this act.

18 (2) An action commenced under subsection (1) may be brought in
19 the circuit court for the county where the alleged violation
20 occurred, the county where the complainant resides, the county
21 where the employer against whom the civil complaint is filed
22 resides or has his or her principal place of business, or the
23 county where the educational institution is located.