



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



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4188 (Substitute H-2 as reported without amendment)

House Bills 4189 and 4190 (as reported without amendment)

Sponsor: Representative Andrea LaFontaine (H.B. 4188)

Representative Harvey Santana (H.B. 4189)

Representative Eric Leutheuser (H.B. 4190)

House Committee: Families, Children, and Seniors

Senate Committee: Families, Seniors and Human Services

CONTENT

House Bill 4188 (H-2) would add Sections 14e and 14f to Public Act 116 of 1973, which provides for the licensure of child care facilities, to do the following:

- Specify that a child placing agency would not be required to provide any services that would conflict with, or provide any services under circumstances that would conflict with, the agency's sincerely held religious beliefs.
- Allow a child placing agency to decline a referral for foster care case management or adoption services if the services would conflict with the agency's sincerely held religious beliefs.
- Prohibit the State or a local unit of government from taking an adverse action against a child placing agency that declined to provide services or accept a referral under those provisions.
- Require a child placing agency, if it declined to provide services, promptly to refer the applicant to another agency that was willing and able to provide the declined services, or refer the applicant to the webpage on the Department of Health and Human Services website that identified other licensed child placing agencies.
- Allow a child placing agency to assert a defense in an administrative or judicial proceeding based on proposed Section 14e or 14f.

House Bill 4189 would amend the Michigan Adoption Code to provide that a child placing agency could not be required to provide adoption services that would conflict with, or to provide adoption services under circumstances that would conflict with, its sincerely held religious beliefs; and prohibit the State or a local unit from taking an adverse action against the child placing agency.

House Bill 4190 would amend the Social Welfare Act to prohibit the Department of Health and Human Services from taking an adverse action against a child placing agency that declined to provide services that would conflict with, or to provide services under circumstances that would conflict with, its sincerely held religious beliefs.

All of the bills would refer to an agency's sincerely held religious beliefs contained in a written policy, statement of faith, or other document adhered to by the agency.

Proposed MCL 722.124e & 722.124f (H.B. 4188)

Proposed MCL 710.23g (H.B. 4189)

Proposed MCL 400.5a (H.B. 4190)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The Department does not anticipate any fiscal impact on State or local government.

Date Completed: 4-27-15

Fiscal Analyst: Frances Carley

Floor\hb4188

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.