

HOUSE BILL NO. 5765

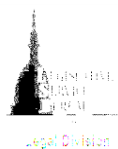
May 05, 2020, Introduced by Rep. Warren and referred to the Committee on Health Policy.

A bill to amend 1976 PA 220, entitled
"Persons with disabilities civil rights act,"
by amending section 302 (MCL 37.1302), as amended by 1998 PA 20.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 302. **(1)** Except where permitted by law, a person shall
2 not **do any of the following:**

3 (a) Deny an individual the full and equal enjoyment of the
4 goods, services, facilities, privileges, advantages, and
5 accommodations of a place of public accommodation or public service
6 because of a disability that is unrelated to the individual's



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1 ability to utilize and benefit from the goods, services,
2 facilities, privileges, advantages, or accommodations or because of
3 the use by an individual of adaptive devices or aids.

4 (b) Print, circulate, post, mail, or otherwise cause to be
5 published a statement, advertisement, or sign which indicates that
6 the full and equal enjoyment of the goods, services, facilities,
7 privileges, advantages, and accommodations of a place of public
8 accommodation or public service will be refused, withheld from, or
9 denied an individual because of a disability that is unrelated to
10 the individual's ability to utilize and benefit from the goods,
11 services, facilities, privileges, advantages, or accommodations or
12 because of the use by an individual of adaptive devices or aids, or
13 that an individual's patronage of or presence at a place of public
14 accommodation is objectionable, unwelcome, unacceptable, or
15 undesirable because of a disability that is unrelated to the
16 individual's ability to utilize and benefit from the goods,
17 services, facilities, privileges, advantages, or accommodations or
18 because of the use by an individual of adaptive devices or aids.

19 **(2) The duties described in subsection (1) remain in effect at**
20 **all times, including during a public health emergency, and under no**
21 **circumstances may a person subject to this article deny an**
22 **individual medical treatment on the basis of stereotypes,**
23 **assessments of quality of life, or judgments about the individual's**
24 **relative "worth" based on the presence or absence of any**
25 **disability. Decisions by a person subject to this article**
26 **concerning whether an individual is a candidate for medical**
27 **treatment must be based on an individualized assessment of the**
28 **individual based on the best available objective medical evidence.**

29 Enacting section 1. This amendatory act is intended to clarify



1 the scope of article 3 of the persons with disabilities civil
2 rights act, 1976 PA 220, MCL 37.1301 to 37.1303, during times of
3 public health emergencies and to ensure that in times of public
4 health emergencies the full and equal enjoyment of the goods,
5 services, facilities, privileges, advantages, and accommodations of
6 a health facility described in section 301 of the persons with
7 disabilities civil rights act, 1976 PA 220, MCL 37.1301, are not
8 denied to an individual because he or she is disabled.

