



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

BILL ANALYSIS



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

Senate Bill 1152 (as introduced 11-26-24)

Sponsor: Senator Mary Cavanagh

Committee: Health Policy

Date Completed: 12-11-24

CONTENT

The bill would amend the Revised Judicature Act to specify that evidence related to the involvement of a person engaging in one or more legally protected health activities relating to reproductive health services would be inadmissible as evidence that the person had engaged in any wrongdoing.

"Legally protected health activity" would mean seeking, providing, receiving, or referring for reproductive health services; assisting in seeking, providing, or receiving reproductive health services; providing material support for traveling to receive reproductive health services; or other similar conduct, that is not unlawful in the State, including under any theory of vicarious, joint, several, or conspiracy liability, to the extent the activity is not in violation of the State Constitution or other law of the State, and if the provider is physically present in the State.

"Reproductive health services" would mean all services, care, or products of a medical, surgical, psychiatric, therapeutic, diagnostic, mental health, behavioral health, preventative, rehabilitative, supportive, consultative, referral, prescribing, or dispensing nature relating to the human reproductive system provided in accordance with the State Constitution and the laws of the State, whether provided in person or by means of telehealth or telehealth services, which includes, all services, care, and products relating to pregnancy, assisted reproduction, contraception, miscarriage management or the termination of a pregnancy, and self-managed terminations.

Under the bill, evidence related to the involvement of a person engaging in one or more legally protected health activities relating to providing reproductive health services would be inadmissible as evidence that the person had engaged in any wrongdoing, whether civil, criminal, professional, or otherwise.

This would not apply to an action to which the following applied:

- The action sounded in tort or contract.
- The action presented a cause of action that was recognized, in an equivalent or similar manner, under the laws of the State.
- The action was brought by the individual who received the reproductive health services or by the individual's legal representative.

The clerk of the Circuit Court could not issue a subpoena under the Act if the foreign proceeding to which the subpoena related regarded a legally protected health activity.

The bill would not apply if all the following applied to the foreign proceeding:

- The proceeding sounded in tort or contract.

- The proceeding presented a cause of action that was recognized, in an equivalent or similar manner, under the State's laws.
- The proceeding was brought by the individual who received the reproductive health services or by the individual's legal representative, if the individual gave express consent.

A person could bring a civil action in the Circuit Court for unlawful interference with protected rights against another person if the other person commenced an action in any court in the U.S. in which the allegations against the person, whether civil or criminal, involved accessing, providing, facilitating, or attempting to access, provide, or facilitate any of the following:

- Any lawfully provided medical care, including reproductive or endocrine health care.
- All medical, surgical, counseling, or referral services related to the human reproductive system, including services related to pregnancy, contraception, or the termination of a pregnancy.

The civil action could not be commenced more than six years after the date on which the right to file the action arose.

If the person that brought an action under the bill proved that the person exercised or attempted to exercise, or facilitated or attempted to facilitate the exercise of, a right protected under the State Constitution or permitted by the laws of the State to obtain or provide the medical care described in the bill, and that the exercise, attempted exercise, facilitation, or attempted facilitation resulted in litigation or criminal charges brought against the person in any court in the U.S., the court would have to award the person all of the following:

- Compensatory damages.
- Costs and attorney fees, including expert witness fees.
- Punitive damages, if the court determined that the action against the person was commenced or continued for the purpose of harassing, intimidating, punishing, or otherwise maliciously inhibiting the exercise of rights protected in the State, including, but not limited to, the right to medical care described in the bill.

The bill would not affect or preclude the right of a person to recovery under any other law.

MCL 600.2203 et al.

Legislative Analyst: Alex Krabill

FISCAL IMPACT

There is no expected fiscal impact to State or local courts.

Fiscal Analyst: Michael Siracuse

SAS\S2324\s1152sa

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.