

SENATE BILL NO. 1152

November 26, 2024, Introduced by Senator CAVANAGH and referred to the Committee on Health Policy.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 2203 (MCL 600.2203), as added by 2012 PA 362,
and by adding sections 1459, 2170, 2203a, and 2980.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 1459. (1) In construing or applying a law of this state**
2 **related to legally protected health activities, a court shall**

1 exclusively consider and apply the law of this state and not the
2 law of any other state.

3 (2) As used in this section, "legally protected health
4 activity" means that term as defined in section 2170.

5 Sec. 2170. (1) Except as provided in subsection (2), evidence
6 related to the involvement of a person engaging in 1 or more
7 legally protected health activities relating to providing
8 reproductive health services is inadmissible as evidence against
9 the person that the person has engaged in any wrongdoing, whether
10 civil, criminal, professional, or otherwise.

11 (2) This section does not apply to an action to which all of
12 the following apply:

13 (a) The action sounds in tort or contract.

14 (b) The action presents a cause of action that is recognized,
15 in an equivalent or similar manner, under the laws of this state.

16 (c) The action was brought by the individual who received the
17 reproductive health services or by the individual's legal
18 representative.

19 (3) As used in this section:

20 (a) "Legally protected health activity" means seeking,
21 providing, receiving, or referring for reproductive health
22 services; assisting in seeking, providing, or receiving
23 reproductive health services; providing material support for
24 traveling to receive reproductive health services; or other similar
25 conduct, that is not unlawful in this state, including under any
26 theory of vicarious, joint, several, or conspiracy liability, to
27 the extent the activity is not in violation of the state
28 constitution of 1963 or other law of this state, and if the
29 provider is physically present in this state.

(b) "Reproductive health services" means 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 of 1963 and the laws of this state, whether provided in person or by means of telehealth or telehealth services, which includes, but is not limited to, all services, care, and products relating to pregnancy, assisted reproduction, contraception, miscarriage management or the termination of a pregnancy, and self-managed terminations.

Sec. 2203. (1) To request issuance of a subpoena under this section, a party must submit a foreign subpoena to the clerk of the circuit court in the county in which discovery is sought to be conducted in this state. A request for the issuance of a subpoena under this chapter does not constitute an appearance in the courts of this state.

(2) ~~When~~ **Subject to section 2203a, when** a party submits a foreign subpoena to a clerk of the circuit court in this state, the clerk, in accordance with the court's procedures, shall promptly issue a subpoena for service ~~upon~~ **on** the person to which the foreign subpoena is directed.

(3) A subpoena under subsection (2) ~~shall~~ **must** do both of the following:

(a) Incorporate the terms used in the foreign subpoena.

(b) Contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

1 Sec. 2203a. (1) Except as provided in subsection (2), the
2 clerk of the circuit court shall not issue a subpoena under this
3 chapter if the foreign proceeding to which the subpoena relates is
4 regarding a legally protected health activity.

5 (2) This section does not apply if all of the following apply
6 to the foreign proceeding:

7 (a) The proceeding sounds in tort or contract.

8 (b) The proceeding presents a cause of action that is
9 recognized, in an equivalent or similar manner, under the laws of
10 this state.

11 (c) The proceeding was brought by the individual who received
12 the reproductive health services or by the individual's legal
13 representative, if the individual gives express consent.

14 (3) As used in this section, "legally protected health
15 activity" and "reproductive health services" mean those terms as
16 defined in section 2170.

17 Sec. 2980. (1) A person may bring a civil action in the
18 circuit court for unlawful interference with protected rights
19 against another person if the other person commences an action in
20 any court in the United States in which the allegations against the
21 person, whether civil or criminal, involve accessing, providing,
22 facilitating, or attempting to access, provide, or facilitate any
23 of the following:

24 (a) Any lawfully provided medical care, including, but not
25 limited to, reproductive or endocrine health care.

26 (b) All medical, surgical, counseling, or referral services
27 related to the human reproductive system, including, but not
28 limited to, services relating to pregnancy, contraception, or the
29 termination of a pregnancy.

1 (2) If the person that brings an action under subsection (1)
2 proves that the person exercised or attempted to exercise, or
3 facilitated or attempted to facilitate the exercise of, a right
4 protected under the state constitution of 1963 or permitted by the
5 laws of this state to obtain or provide the medical care described
6 in subsection (1), and that the exercise, attempted exercise,
7 facilitation, or attempted facilitation resulted in litigation or
8 criminal charges brought against the person in any court in the
9 United States, the court shall award the person all of the
10 following:

11 (a) Compensatory damages.

12 (b) Costs and attorney fees, including expert witness fees.

13 (c) If the court determines that the action against the person
14 was commenced or continued for the purpose of harassing,
15 intimidating, punishing, or otherwise maliciously inhibiting the
16 exercise of rights protected in this state, including, but not
17 limited to, the right to medical care described in subsection (1),
18 punitive damages.

19 (3) An action under subsection (1) must be commenced not later
20 than 6 years after the date on which the right to file the action
21 arose.

22 (4) This section does not affect or preclude the right of a
23 person to recovery under any other law.