

REPRODUCTIVE HEALTH ACT (EXCERPT)
Act 286 of 2023

333.26103 Constitutional right to reproductive freedom.

Sec. 3. (1) As provided in section 28 of article I of the state constitution of 1963, the following apply in this state:

(a) Every individual has a fundamental right to reproductive freedom, which entails the right to make and effectuate decisions about all matters relating to pregnancy, including, but not limited to, prenatal care, childbirth, postpartum care, contraception, sterilization, abortion care, miscarriage management, and infertility care.

(b) An individual's right to reproductive freedom shall not be denied, burdened, nor infringed upon unless justified by a compelling state interest achieved by the least restrictive means.

(c) Notwithstanding the above, the state may regulate the provision of abortion care after fetal viability, provided that in no circumstance shall the state prohibit an abortion that, in the professional judgment of an attending health care professional, is medically indicated to protect the life or physical or mental health of the pregnant individual.

(d) The state shall not penalize, prosecute, or otherwise take adverse action against an individual based on their actual, potential, perceived, or alleged pregnancy outcomes, including, but not limited to, miscarriage, stillbirth, or abortion. Nor shall the state penalize, prosecute, or otherwise take adverse action against someone for aiding or assisting a pregnant individual in exercising their right to reproductive freedom with their voluntary consent.

(2) In determining whether an abortion is medically indicated to protect the life or physical or mental health of a pregnant individual under subsection (1)(c), the attending health care professional may consider any factor that the attending health care professional considers relevant to the well-being of the pregnant individual, including, but not limited to, the pregnant individual's age and physical, emotional, psychological, and familial considerations.

History: 2023, Act 286, Eff. Feb. 13, 2024.