

ACLU of Michigan Legislative Docket: Reproductive Rights

The ACLU maintains a presence in Lansing that enables us to pass policies that expand civil liberties or prevent the passage of policies that are hostile to civil liberties. Through traditional lobbying techniques lobbying, advocacy, and advocacy the legislative program seeks to advance and protect our civil liberties.

The ACLU of Michigan's legislative program works on a breadth of issues. To give you an idea of what we've been up to, we have provided a brief summary, our position on the issue and where the bill is currently situation in the legislative process. We have stated our position on each bill using brief descriptors:

- **Actively Support/ Oppose:** *The ACLU considers this bill high priority and has taken direct action to support or opposing the bill. The bill has, more likely than not, seen movement in the Legislature during the current session.*
- **Support/Oppose:** *Based on its own policies, the ACLU supports or opposes the bill but has not taken an affirmative action OR the legislation has not moved through the legislature and therefore the ACLU has not needed to take direct action at this point.*
- **Remain Neutral:** *As written, the bill does include some civil liberties issues but the ACLU has taken no direct action to support or oppose the legislation.*

Insurance Ban on Abortion

ACLU Position: **Actively Oppose**

Status: Passed by Michigan Legislature 12/11/13. [Initiative 182 of 2013](#). (see vote count)

The law prohibits all private and public health insurance companies from offering plans that cover abortion care. A separate policy would have to be purchased by a woman prior to becoming pregnant for her to receive coverage. A pregnant woman would be ineligible for the coverage, even if she became pregnant as the result of rape, incest or if her health is in danger.

More information: <http://www.aclumich.org/LetMIVote>

Religious Refusal

[Senate Bill 136](#)

Sponsor: Sen. John Moolenaar (R- Midland)

ACLU Position: **Actively Oppose**

Status: Passed by Senate Health Committee and currently awaiting a vote by full Senate (see vote count)

Also see LGBT Rights

The bill would create the "Religious Liberty and Conscience Protection Act" that allows medical facilities, health care payers/purchasers, to refrain from offering health care services and procedures based on

moral or religious beliefs. Such refusal clauses are promoted as a means of protecting the consciences of those healthcare providers who have a religious or moral objection to providing some or all reproductive health services. If passed, the bill could also allow for discrimination against individual patients or groups of people, rather than specific services. The bill lacks exceptions to ensure a patient's health is never compromised by the religious objections of their healthcare provider.

More information:

http://aclumich.org/blog/2013-03-21/michigan_medical_refusal

Parental Consent for Judicial Waiver

Senate Bill 254

Sponsor: Senator David Robertson (R- Grand Blanc)

ACLU Position: **Actively Oppose**

Status: Passed by Senate Judiciary Committee, awaiting a vote by full Senate (see vote count)

The bill would amend the Parental Rights Restoration Act to change the process for judicial waiver of parental consent for a minor seeking an abortion by doing the following:

- Prohibit a minor who was denied a waiver of parental consent for an abortion by a family court judge from seeking a waiver for the same pregnancy in the family court.
- Require the court, if it denied a waiver, to inform the minor that she could appeal the denial, could not initiate proceedings in a family court.
- Require the court, in determining whether a minor was sufficiently mature and informed to make an abortion decision, to consider whether it should contravene a common law standard that "a minor is not capable of providing informed consent for medical treatment".
- Require the court to grant a waiver if it found, based on specific factors, that the minor demonstrated a decision-making capacity similar to that of an adult, or that a waiver was in the minor's best interest.
- Require the court, in deciding whether a waiver would be in a minor's best interest, to consider whether it should contravene a common law standard that "a minor's best interest is served by involvement of the minor's parents in medical decision making".
- Require the court to grant a waiver if it found that both parents, or the minor's legal guardian, had demonstrated through neglect or abuse a lack of concern or competence in serving the minor's best interests, based on specific factors.

The bill sets standards and new rules that will make it more difficult for a minor to qualify for a waiver of parental consent. Current law on judicial waivers has worked for over two decades so there is no need or justification for the legislation's proposed changes.

Hospital Requirement for Abortion Past 19 Weeks

House Bill 4162

Sponsor: Representative Tom Hooker (R-Byron Center)

ACLU Position: **Actively opposed**

Status: Referred to House Health Policy Committee

Would require all abortions performed after 19 weeks gestation to be done in a hospital with a neonatal unit.

Diagnostic Ultrasound Bill

House Bill 4187

Sponsor: Representative Joel Johnson (R-Clare)

ACLU Position: **Actively Opposed**

Status: Referred to House Health Policy Committee

Would require all women to undergo a diagnostic ultrasound examination a minimum of two hours prior to the beginning of an abortion procedure. The bill requires that the most technologically advanced equipment on sight is used; this would likely mean a trans-vaginal ultrasound.

The screen of the ultrasound will be required to be turned toward the patient and she must be advised that she has the option to view the active ultrasound image, hear the fetal heartbeat, receive a physical picture of the ultrasound image, and hear an explanation of the ultrasound image of the fetus.

Coercion Bill

House Bills 4598 and 4599

Sponsors: Representative Amanda Price (R-Holland), Representative Nancy Jenkins (R-Clayton)

ACLU Position: **Actively Oppose**

Status: Referred to House Criminal Justice Committee

Would make it a crime to coerce a woman to have an abortion against her will, and could target—among others—any spouse, partner, parent of a minor, who encouraged a woman to seek an abortion. Coercing a woman not to have an abortion would remain legal.

Emergency Contraceptive Education Act

Senate Bill 370 and House Bill 4722

Sponsors: Sen. Bert Johnson (D-Highland Park), Rep. Marcia Hovey-Wright (D-Muskegon)

ACLU Position: **Support**

Status: Introduced and referred to Senate Committee on Health Policy and House Committee on Health Policy

Both bills are identical and require the Department of Health and Human Services to disseminate public information on emergency contraception directly or through nonprofit organizations, consumer groups, institutions of higher education, federal, state or local agencies, health facilities and/or the media.

Comprehensive Sex Education

Senate Bill 371 and House Bill 4721

Sponsors: Sen. Hoon-Yung Hopgood (D-Taylor), Rep. Jeff Irwin (D-Ann Arbor)

ACLU Position: **Support**

Status: Introduced and referred to Senate Committee on Health Policy and House Education Committee respectively

Both bills are identical and require that if a public school district provides sexuality education, that the curriculum be age appropriate, objective and medically accurate.

Employee Contraceptive Privacy Act

Senate Bill 732 and House Bill 5416

Sponsor: Sen. Jim Ananich (D-Flint), Rep. Marcia Hovey-Wright (D-Muskegon)

ACLU Position: **Support**

Status: Introduced and referred to House Government Operations Committee, Introduced and referred to House Judiciary Committee respectively

Also see Employment Discrimination and Privacy and Technology

Both bills are identical and would prohibit an employer from inquiring as to an employee's or applicant for employment's use or nonuse of contraceptives; discrimination against an employee's or applicant for employment's for failure to provide information concerning use or nonuse of contraceptives; retaliate or discriminate against an employee because the employee has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing concerning an alleged violation of this act.

Breastfeeding in Public Places

Senate Bill 674

Sponsor: Sen. Rebekah Warren (D-Ann Arbor)

ACLU Position: **Support**

Status: Passed by Senate, Referred to House Judiciary Committee (see vote count)

The bill would create the "Breast feeding Antidiscrimination Act" to do the following:

- Prohibit the denial of full and equal enjoyment of a place of public accommodation or public service to a woman because she was breastfeeding.
 - Prohibit publishing a statement or notice indicating that a woman's full enjoyment of a place of public accommodation or public service would be refused, or that her patronage or presence would be unwelcome, because she was breastfeeding.
 - Establish a civil remedy for a violation of the proposed Act
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Reproductive Rights Vote Counts

Insurance Ban on Abortion – Actively Opposed

Senate Vote

Yeas – 27

Booher	Hansen	Kowell	Proos
Brandenberg	Hildenbrand	Marleau	Richardville
Casperson	Hune	Meekhof	Robertson
Caswell	Hunter	Moolenaar	Rocca
Colbeck	Jansen	Nofs	Schuitmaker
Emmons	Jones	Pappageorge	Walker
Green	Kahn	Pavlov	

Nays – 11

Ananich	Gregory	Hood	Whitmer
Glenn Anderson	Johnson	Smith	Young
Beida	Hopgood	Warren	

House Vote

Yeas – 62

Bolger	Graves	Lori	Potvin
Brown	Haines	Lund	Price
Brunner	Haveman	MacGregor	Pscholka
Bumstead	Heise	MacMaster	Rendon
Callton	Hooker	McBroom	Rogers
Cotter	Howrylak	McCready	Schmidt
Crawford	Jacobsen	McMillin	Shirkey
Daley	Johnson	Muxlow	Somerville
Denby	Jenkins	Nesbitt	Stamas
Farrington	Kelly	O'Brien	VerHeulen
Forlini	Kesto	Olumba	Victory
Foster	Kowall	Outman	Walsh
Franz	Kurtz	Pagel	Yonker
Genetski	LaFontaine	Pettalia	Zorn
Glardon	Lauwers	Poleski	
Goike	Leonard	Lyons	

Nays – 49

Abed	Durhal	Lane	Slavens
Banks	Faris	LaVoy	Smiley
Barnett	Geiss	Lipton	Stallworth
Brinks	Greimel	McCann	Stanley
Brown	Haugh	Nathan	Switalski
Brunner	Hobbs	Oakes	Talabi
Cavanagh	Hovey-Wright	Robinson	Tlaib
Clemente	Irwin	Roberts	Townsend
Cochran	Kandrevas	Rutledge	Yanez
Darany	Kivela	Santana	Zemke
Dianda	Knezek	Schor	
Dillon	Kosowski	Segal	
Driskell	Lamonte	Singh	

Parental Consent for Judicial Waiver – Senate Bill 254 – **Opposed**

Senate Judiciary Vote

Yeas – 3

Jones	Schuitmaker	Rocca
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Nays – 1

Bieda

Breastfeeding Senate Bill 674 – Support

Senate Vote

Yeas – 37

Ananich	Gregory	Kahn	Richardville
Anderson	Hansen	Kowall	Robertson
Bieda	Hildenbrand	Marleau	Rocca
Booher	Hood	Meekhof	Schuitmaker
Brandenburg	Hopgood	Moolenaar	Smith
Casperson	Hune	Nofs	Walker
Caswell	Hunter	Pappageorge	Warren
Colbeck	Jansen	Pavlov	Whitmer
Emmons	Johnson	Proos	Young
Green	Jones		