

HOUSE BILL No. 5276

November 6, 2003, Introduced by Reps. Gleason, O'Neil, Hummel, Hune, Rivet, Sak, Richardville, Robertson, Stahl, Bradstreet, Voorhees, Vander Veen, Hoogendyk, Huizenga, Pappageorge, Mortimer, Newell, Ward, Casperson, Milosch, Paletko, Farhat, Koetje, Stakoe, Moolenaar, Emmons, Drolet, Palmer, Brown, Sheltroun, Spade, Kooiman, Pastor and Acciavatti and referred to the Committee on Health Policy.

A bill to allow certain health facilities to object to providing or participating in certain procedures under certain circumstances; to provide for protection from certain liability; and to provide for remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Health facility" means a health facility or agency as
3 defined in section 20106 of the public health code, 1978 PA 368,
4 MCL 333.20106, a private physician office, or a public or private
5 institution, teaching institution, pharmacy, corporation,
6 partnership, or sole proprietorship that provides a health care
7 service to an individual.

8 (b) "Health care service" means the provision or withdrawal
9 of, or research or experimentation involving, a medical
10 treatment, procedure, device, medication, drug, or other

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1 substance intended to affect the physical or mental condition of
2 an individual.

3 (c) "Health profession" means a vocation, calling,
4 occupation, or employment performed by individuals acting
5 pursuant to a license or registration issued under article 15 of
6 the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

7 (d) "Participate or participating" means, at a minimum, to
8 counsel, refer, perform, administer, prescribe, dispense, treat,
9 withhold, withdraw, diagnose, test, evaluate, train, research,
10 prepare, or provide material or physical assistance in a health
11 care service.

12 Sec. 2. (1) Notwithstanding any other provision of the law,
13 a health facility may refuse to provide or participate in a
14 health care service that violates an ethical, moral, or religious
15 principle reflected in its articles of incorporation, bylaws, or
16 an adopted mission statement.

17 (2) A health facility shall not assert an objection described
18 in subsection (1) under any of the following circumstances:

19 (a) The objection is to a health care service the health
20 facility routinely provides or participates in and is based on a
21 disagreement with a member of a health profession employed by,
22 under contract to, or granted privileges by the health facility
23 regarding the medical appropriateness of a health care service
24 for a specific patient if the patient has consented to the
25 provision of the health care service.

26 (b) The objection excludes an entire health profession.

27 (3) A health facility shall provide notice of an objection

1 described in subsection (1) to providing a health care service
2 through written public notice or personally in writing at the
3 time an individual seeks to obtain that health care service from
4 the health facility.

5 (4) A health facility's objection as described in subsection
6 (1) to providing or participating in a health care service shall
7 not be a basis for 1 or more of the following:

8 (a) Civil, criminal, or administrative liability.

9 (b) Eligibility discrimination against the health facility in
10 a grant, contract, or program, where providing or participating
11 in the health care service is not expressly required as a
12 condition of eligibility for the grant, contract, or program.