

SENATE BILL No. 894

December 11, 2003, Introduced by Senators STAMAS, BISHOP, ALLEN, BARCIA, KUIPERS, OLSHOVE, HARDIMAN and BROWN 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

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.