



Michigan | RANKING: 14

Michigan has an enviable record of protecting women and the unborn from the harms inherent in abortion, including imposing medically appropriate health and safety standards on abortion facilities, regulating the provision of chemical abortions, and limiting taxpayer funding of abortion and abortion providers. However, the state's record on emerging biotechnologies is more suspect. Michigan specifically allows destructive embryo research and the funding of such research, and fails to regulate assisted reproductive technologies or human egg harvesting.

» ABORTION

- Michigan possesses an enforceable abortion prohibition should the U.S. Constitution be amended or certain U.S. Supreme Court decisions be reversed or modified.
- Michigan prohibits partial-birth abortion.
- A physician may not perform an abortion on a woman until at least 24 hours after the woman receives information on the probable gestational age of her unborn child, along with state-prepared information or other material on prenatal care and parenting, the development of the unborn child, a description of abortion procedures and their inherent complications, and assistance and services available through public agencies.
- Women must be informed of the availability of ultrasounds and be given the opportunity to view the results of an ultrasound prior to abortion.
- A physician is required to screen patients for coercion before performing an abortion. The Department of Community Health has been instructed to develop a notice concerning coerced abortions to be posted in abortion facilities.
- A physician may not perform an abortion on an unemancipated minor under the age of 18 without the written consent of one parent unless there is a medical emergency or the minor obtains a court order.
- The Michigan Attorney General has issued opinions that the state's informed consent and parental consent statutes apply both to surgical abortions and to the use of mifepristone (RU-486).
- Under Michigan law, abortion clinics (where more than 50 percent of the patients served undergo abortions) are regulated as "freestanding surgical outpatient facilities." The regulations provide for minimum health and safety standards in such areas as clinic administration, staff qualifications, and physical plant.
- Michigan limits the performance of abortions to licensed physicians.

- Michigan has an enforceable abortion reporting law, but does not require the reporting of information to the Centers for Disease Control (CDC). The measure pertains to both surgical and nonsurgical abortions and requires abortion providers to report short-term complications.
- Michigan requires that a woman be examined and specifically prohibits physicians from utilizing an internet web camera for chemical abortions. The physician must also be present when the drugs are dispensed.
- Michigan follows the federal standard for Medicaid funding for abortions, permitting the use of federal or state matching Medicaid funds for abortions necessary to preserve the life of the woman or when the pregnancy is the result of rape or incest.
- Michigan prohibits organizations that receive state funds from using those funds to provide abortion counseling or to make referrals for abortion, and only permits ultrasound grants if they will not be used for assisting in the performance of elective abortions.
- Family planning funds are prioritized for organizations which do not perform elective abortions within a facility owned or operated by the organization, make referrals for abortions, or have written policies which consider abortion a method of family planning.
- Insurance companies participating in the state insurance Exchanges established pursuant to the federal healthcare law cannot offer policies that provide abortion coverage within the Exchanges.
- Michigan prohibits insurance plans from covering abortions, except by optional rider.
- In 2014, Michigan allocated \$800,000 for a pregnancy and parenting support services program, which must provide childbirth, alternatives to abortion, and grief counseling.

» **LEGAL RECOGNITION AND PROTECTION OF UNBORN AND NEWLY BORN**

- Under Michigan law, the killing of an unborn child at any stage of gestation is defined as a form of homicide.
- Michigan defines a criminal assault on a pregnant woman that results in miscarriage, stillbirth, or “damage to pregnancy” as an enhanced offense for sentencing purposes.
- Michigan defines a nonfatal assault on an unborn child as a crime.
- Michigan has applied the affirmative defense of “defense of others” to cases where a woman uses force (including deadly force) to protect her unborn child.
- The state allows a wrongful death (civil) action when an unborn child at any stage of development is killed through a negligent or criminal act.
- The state has created a specific affirmative duty of physicians to provide medical care and treatment to infants born alive at any stage of development.

- Michigan requires healthcare professionals to report suspected prenatal drug exposure.

» **BIOETHICS LAWS**

- In November 2008, Michigan voters passed a Stem Cell Initiative, amending the state constitution to legalize destructive embryo research and to allow the funding of research on human embryos.
- Michigan does not maintain a comprehensive ban on fetal experimentation, prohibiting only experimentation on live fetuses and allowing research on dead fetuses with the consent of the mother.
- The Michigan Legislature has directed the state to establish a state-wide network of cord blood stem-cell banks and to promote public awareness and knowledge about the banks and banking options, if funds are available.
- Michigan does not maintain any meaningful regulation of assisted reproductive technologies or human egg harvesting.

» **END OF LIFE LAWS**

- In Michigan, assisted suicide is a felony.

» **HEALTHCARE FREEDOM OF CONSCIENCE**

Participation in Abortion

- A physician, nurse, medical student, nursing student, or individual who is a member of, associated with, or employed by a hospital, institution, teaching institution, or healthcare facility who objects on religious, moral, ethical, or professional grounds is not required to participate in abortions.
- A hospital, institution, teaching institution, or healthcare facility is not required to participate in abortion, permit an abortion on its premises, or admit a woman for the purposes of performing an abortion.

Participation in Research Harmful to Human Life

- Michigan currently provides no protection for the rights of healthcare providers who conscientiously object to participating in human cloning, destructive embryo research, or other forms of medical research which violate a provider's moral or religious belief.

» **WHAT HAPPENED IN 2014**

- Michigan enacted legislation prohibiting insurance plans from covering abortions, except by optional rider.

- Michigan also adopted a budget bill that allocates \$800,000 for a pregnancy and parenting support services program, which must provide childbirth, alternatives to abortion, and grief counseling.
- The state considered legislation related to abortion reporting and “Choose Life” license plates.
- Michigan considered legislation purporting to protect employees against discrimination for “reproductive health decision making.” The legislation appeared to adopt a disingenuous narrative—that employees face potential discrimination or lack of access to contraception stemming from their employers’ religious liberty and conscience claims against the coercive “HHS Mandate” (which would require many employers to pay for or facilitate coverage for drugs and devices with life-ending mechanisms of action).
- The state considered legislation related to pain management and palliative care.

RECOMMENDATIONS

for MICHIGAN

WOMEN'S PROTECTION PROJECT PRIORITIES

- Women's Health Defense Act (5 month abortion limitation)
- Abortion Patients' Enhanced Safety Act
- Parental Involvement Enhancement Act
- Child Protection Act
- Enhanced penalties and enforcement mechanisms for the state's abortion-related laws

ADDITIONAL PRIORITIES

Abortion

- Federal Abortion-Mandate Opt-Out Act
- Defunding the Abortion Industry and Advancing Women's Health Act
- Coercive Abuse Against Mothers Prevention Act
- Prenatal Nondiscrimination Act

Bioethics

- Repeal of constitutional amendment permitting and funding destructive embryo research
- Promotion of ethical forms of research
- Assisted Reproductive Technologies Disclosure and Risk Reduction Act

Healthcare Freedom of Conscience

- Healthcare Freedom of Conscience Act