

**SUBSTITUTE FOR
HOUSE BILL NO. 5276**

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Health care service" means the provision or withdrawal
3 of, or research or experimentation involving, a medical
4 diagnosis, treatment, procedure, diagnostic test, device,
5 medication, drug, or other substance intended to affect the
6 physical or mental condition of an individual.

7 (b) "Health facility" means any of the following:

8 (i) A clinical laboratory.

9 (ii) A county medical care facility.

10 (iii) A freestanding surgical outpatient facility.

- 1 (iv) A home for the aged.
- 2 (v) A hospital.
- 3 (vi) A nursing home.
- 4 (vii) A hospice.
- 5 (viii) A hospice residence.
- 6 (ix) A facility or agency listed in subparagraphs (i) to (vi)
- 7 located in a university, college, or other educational
- 8 institution.
- 9 (x) A private physician's office.
- 10 (xi) A medical clinic.
- 11 (xii) A public or private institution that provides health
- 12 care services to an individual.
- 13 (xiii) A teaching institution that provides health care
- 14 services to an individual.
- 15 (xiv) A pharmacy that provides health care services to an
- 16 individual.
- 17 (xv) A corporation, partnership, sole proprietorship, limited
- 18 liability company, or other legal entity that provides health
- 19 care services to an individual.
- 20 (c) "Health profession" means a vocation, calling,
- 21 occupation, or employment performed by individuals acting
- 22 pursuant to a license or registration issued under article 15 of
- 23 the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.
- 24 However, health profession does not include a vocation, calling,
- 25 occupation, or employment performed by an individual licensed or
- 26 registered as a sanitarian or a veterinarian.
- 27 (d) "Participate" or "participating" means, at a minimum, to

1 counsel, refer, perform, administer, prescribe, dispense, treat,
2 withhold, withdraw, diagnose, test, evaluate, train, research,
3 prepare, or provide medical advice or material or physical
4 assistance in a health care service.

5 (e) "Public health emergency" means a condition or situation
6 that presents an immediate threat to the public health, safety,
7 or welfare and requires immediate action to preserve the public
8 health, safety, or welfare.

9 Sec. 2. (1) Notwithstanding any other provision of law, a
10 health facility may withdraw or withhold from providing a health
11 care service, or may refuse to provide or participate in a health
12 care service, on [] ethical, moral, or religious
13 grounds as reflected in its organizational documents, charter,
14 bylaws, or an adopted mission statement.

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

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

24 (b) In the event of a public health emergency.

[(c) In the event of an emergency where a patient's condition, in the
reasonable medical judgment of an attending physician or medical
director, requires immediate action to avert serious injury, harm,
impairment, or death or is such that a delay would create a serious risk
of substantial and irreversible impairment of a major bodily function to
that patient.

(3) This act does not relieve a health care facility from a duty
that exists under another statute or other law pertaining to medical
standards of acceptable health care practice and procedures.

25 (4) A health facility's objection as described in subsection
H00523'03 * (H-2)

26 (1) to providing or participating in a health care service shall
27 not be a basis for 1 or more of the following:

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

2 (b) Eligibility discrimination against the health facility in
3 a grant, contract, or program, unless providing or participating
4 in the health care service is the exclusive purpose for the
5 grant, contract, or program.