



Senate Fiscal Agency
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Senate Bill 2 (as reported without amendment)
Senate Bill 37 through 39 (as reported without amendment)
Senate Bill 93 (as reported without amendment)
Sponsor: Senator Erika Geiss (S.B. 2 & 39)
 Senator Rosemary Bayer (S.B. 37)
 Senator Stephanie Chang (S.B. 38)
 Senator Sarah Anthony (S.B. 93)
Committee: Health Policy

CONTENT

Senate Bill 39 would repeal Section 14 of the Michigan Penal Code, which prescribes a felony for administering to a pregnant woman any medicine, drug, or substance, or employing any instrument or other means, with intent to procure a miscarriage, unless it is necessary to protect the life of the mother, and specifies that if those actions cause the death of the pregnant woman the offense is manslaughter.

Senate Bill 37 would delete from sentencing guidelines in the Code of Criminal Procedure the felonies prescribed under Section 14 of the Penal Code

Senate Bill 38 would amend the Corrections Code to modify a provision under which a person convicted and sentenced for violating Section 14 of the Penal Code is not eligible for parole until he or she has served the minimum term imposed by the court.

Senate Bill 2 would repeal Section 40 of the Michigan Penal Code, which prohibits the publication or sale of a publication that contains recipes or prescriptions in indecent or obscene language for the cure of chronic female complaints or private diseases, or recipes for compounds to prevent conception or that tend to produce miscarriage or abortion. Section 40 also specifies that a seller or publisher of these documents is each guilty of a misdemeanor for a violation.

Senate Bill 93 would repeal Section 15 of the Michigan Penal Code, which states any person who advertises, publishes, or sells any pills, powder, drugs or combination of drugs, designed expressly for the use of females for the purpose of procuring an abortion is guilty of a misdemeanor unless the drug or medicine was sold upon the written prescription of a practicing physician, and the dealer or druggist registered certain information pertaining to the purchaser, medicine, and physician in his or her records.

Senate Bill 37 and Senate Bill 38 are tie-barred to Senate Bill 39.

MCL 750.40 (repealed) (S.B. 2)
777.16a (S.B. 37)
791.223b (S.B. 38)
750.14 (repealed) (S.B. 39)
750.15 (repealed) (S.B. 93)

BRIEF RATIONALE

The passage of Proposal 22-3, which enshrined the individual right to reproductive freedom in the Michigan Constitution, invalidated State laws that conflicted with the Proposal's amendments. It has been suggested that various State laws be amended or repealed to agree with the Proposal's provisions.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Date Completed: 3-7-23

Fiscal Analyst: Joe Carrasco, Jr.