

# HOUSE BILL NO. 6275

December 10, 2024, Introduced by Rep. Pohutsky and referred to the Committee on Criminal Justice.

A bill to prohibit certain conduct at or near a health facility and prescribe penalties; to provide remedies; and to provide for the powers and duties of certain state and local governmental officers and entities.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act may be cited as the "access to health  
2 facilities act".

3           Sec. 2. As used in this act:

4           (a) "Health facility" means a health facility or agency  
5 licensed under article 17 of the public health code, 1978 PA 368,

1 MCL 333.20101 to 333.22260, or any other organized entity where a  
2 health care provider provides reproductive health services to  
3 patients. Health facility includes a pharmacy licensed under  
4 article 15 of the public health code, 1978 PA 368, MCL 333.16101 to  
5 333.18838. Health facility includes the building or structure in  
6 which the facility is located.

7 (b) "Interfere with" means to restrict an individual's freedom  
8 of movement.

9 (c) "Intimidate" means to place an individual in reasonable  
10 apprehension of bodily harm to the individual's self or to another  
11 individual.

12 (d) "Physical obstruction" means rendering impassable ingress  
13 to or egress from a health facility or rendering passage to or from  
14 a health facility unreasonably difficult or hazardous.

15 (e) "Reproductive health services" means reproductive health  
16 services provided in a health facility and includes medical,  
17 surgical, counseling, or referral services relating to the human  
18 reproductive system, including services relating to pregnancy or  
19 the termination of a pregnancy.

20 Sec. 3. (1) Subject to subsection (2), an individual who by  
21 force or threat of force, or by physical obstruction, intentionally  
22 injures, intimidates, or interferes with, or attempts to injure,  
23 intimidate, or interfere with, an individual because that  
24 individual is or has been, or in order to intimidate an individual  
25 or any other individual or any class of individuals from, obtaining  
26 or providing reproductive health services, or who intentionally  
27 damages or destroys the property of a health facility, or attempts  
28 to do so, because a health facility provides reproductive health  
29 services, is guilty of a crime punishable as provided in this

1 section.

2 (2) A parent or legal guardian of a minor is not subject to  
3 any penalties under this section for the activities described under  
4 subsection (1) insofar as the activities are directed exclusively  
5 at the minor.

6 (3) Except as otherwise provided in this section, an  
7 individual who violates subsection (1) is guilty of a misdemeanor,  
8 punishable by imprisonment for not more than 1 year or a fine of  
9 not more than \$10,000.00, or both.

10 (4) An individual who violates subsection (1), and who has 1  
11 or more previous convictions for violating subsection (1), is  
12 guilty of a felony, punishable by imprisonment for not more than 3  
13 years and a fine of not more than \$25,000.00, or both.

14 (5) An individual who violates subsection (1) in a manner  
15 involving exclusively a nonviolent physical obstruction is guilty  
16 of a misdemeanor punishable by imprisonment for not more than 6  
17 months or a fine of not more than \$10,000.00, or both.

18 (6) An individual who violates subsection (1) in a manner  
19 involving exclusively a nonviolent physical obstruction and who has  
20 1 or more previous convictions for violating subsection (1) in a  
21 manner involving exclusively a nonviolent physical obstruction is  
22 guilty of a felony, punishable by imprisonment for not more than 1  
23 year and 6 months, a fine of not more than \$25,000.00, or both.

24 (7) An individual who violates subsection (1) resulting in  
25 bodily injury to another individual is guilty of a felony  
26 punishable by imprisonment for not more than 10 years.

27 (8) An individual who violates subsection (1) resulting in the  
28 death of another individual is guilty of a felony punishable by  
29 imprisonment for life or any term of years.

1           Sec. 5. (1) An individual or entity, or the individual's or  
2 entity's legal representative, aggrieved by a violation of section  
3 3 may bring a civil action to enjoin the violation, for  
4 compensatory and punitive damages, for the costs of the action and  
5 reasonable fees for attorneys and expert witnesses, and any other  
6 appropriate remedy. With respect to compensatory damages, the  
7 plaintiff may elect, at any time before the rendering of final  
8 judgment, to recover, in lieu of actual damages, an award of  
9 statutory damages in the amount of \$5,000.00, per violation.

10           (2) The department of the attorney general, a prosecuting  
11 attorney, or an attorney for a local unit of government may bring a  
12 civil action to enjoin a violation of section 3, for compensatory  
13 damages to individuals aggrieved by the violation, for the  
14 assessment of a civil fine against each respondent, and any other  
15 appropriate remedy. A civil fine under this subsection must be  
16 imposed as follows:

17           (a) For a violation under section 3(3), a civil fine not to  
18 exceed \$10,000.00.

19           (b) For a violation under section 3(4), a civil fine not to  
20 exceed \$25,000.00.

21           (c) For a violation under section 3(5), a civil fine not to  
22 exceed \$10,000.00.

23           (d) For a violation under section 3(6), a civil fine not to  
24 exceed \$15,000.00.

25           Sec. 7. This act does not do any of the following:

26           (a) Prohibit any expressive conduct, including picketing or  
27 other demonstration, protected from legal prohibition under section  
28 5 of article I of the state constitution of 1963 and the First  
29 Amendment to the Constitution of the United States.

1           (b) Create new remedies for interference with activities  
2 protected under section 5 of article I of the state constitution of  
3 1963 and the First Amendment to the Constitution of the United  
4 States occurring outside a health facility, regardless of the point  
5 of view expressed, or limit any existing legal remedies for such  
6 interference.

7           (c) Preempt local ordinances that may provide penalties or  
8 remedies with regard to the conduct prohibited under this act.

9           (d) Interfere with the enforcement of local ordinances  
10 regulating the performance of abortions or other reproductive  
11 health services.