

# SENATE BILL NO. 593

October 17, 2023, Introduced by Senator GEISS and referred to the Committee on Housing and Human Services.

A bill to list certain constitutional rights related to reproductive freedom; to prohibit the violation of certain rights and provide remedies; to provide for the powers and duties of certain state and local governmental officers and entities; and to repeal acts and parts of acts.

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

- 1           Sec. 1. As used in this act:
- 2           (a) A state interest is "compelling" as that term is described
- 3 in section 28 of article I of the state constitution of 1963.
- 4           (b) "Fetal viability" means that term as defined in section 28
- 5 of article I of the state constitution of 1963.

1 (c) "Governmental entity" means any of the following:

2 (i) This state and its agencies, departments, commissions,  
3 courts, boards, councils, and statutorily created task forces.

4 (ii) A county, city, village, township, school district, or  
5 other political subdivision of this state.

6 (iii) An agency, department, court, board, commission, or  
7 council of a political subdivision described in subparagraph (ii).

8 (iv) An official of any of the entities described in  
9 subparagraph (i), (ii), or (iii).

10 Sec. 3. (1) As provided in section 28 of article I of the  
11 state constitution of 1963, the following apply in this state:

12 (a) Every individual has a fundamental right to reproductive  
13 freedom, which entails the right to make and effectuate decisions  
14 about all matters relating to pregnancy, including, but not limited  
15 to, prenatal care, childbirth, postpartum care, contraception,  
16 sterilization, abortion care, miscarriage management, and  
17 infertility care.

18 (b) An individual's right to reproductive freedom shall not be  
19 denied, burdened, nor infringed upon unless justified by a  
20 compelling state interest achieved by the least restrictive means.

21 (c) Notwithstanding the above, the state may regulate the  
22 provision of abortion care after fetal viability, provided that in  
23 no circumstance shall the state prohibit an abortion that, in the  
24 professional judgment of an attending health care professional, is  
25 medically indicated to protect the life or physical or mental  
26 health of the pregnant individual.

27 (d) The state shall not penalize, prosecute, or otherwise take  
28 adverse action against an individual based on their actual,  
29 potential, perceived, or alleged pregnancy outcomes, including, but

1 not limited to, miscarriage, stillbirth, or abortion. Nor shall the  
2 state penalize, prosecute, or otherwise take adverse action against  
3 someone for aiding or assisting a pregnant individual in exercising  
4 their right to reproductive freedom with their voluntary consent.

5 (2) In determining whether an abortion is medically indicated  
6 to protect the life or physical or mental health of a pregnant  
7 individual under subsection (1)(c), the attending health care  
8 professional may consider any factor that the attending health care  
9 professional considers relevant to the well-being of the pregnant  
10 individual, including, but not limited to, the pregnant  
11 individual's age and physical, emotional, psychological, and  
12 familial considerations.

13 Sec. 5. (1) An individual or entity, or the individual's or  
14 entity's legal representative, who alleges a violation of the  
15 individual's or entity's rights under section 28 of article I of  
16 the state constitution of 1963 or section 3 by a governmental  
17 entity may bring a civil action for injunctive relief, damages, or  
18 any other appropriate remedy, in the appropriate state or federal  
19 court.

20 (2) The attorney general may enforce section 3 through a civil  
21 action for injunctive relief, damages, or any other appropriate  
22 remedy.

23 (3) A court shall award reasonable costs and attorney fees to  
24 a plaintiff who prevails in an action brought under this section.

25 Sec. 7. A governmental entity shall not violate section 28 of  
26 article I of the state constitution of 1963.

27 Enacting section 1. The following acts and parts of acts are  
28 repealed:

29 (a) Section 323 of the Michigan penal code, 1931 PA 328, MCL

1 750.323.

2 (b) The legal birth definition act, 2004 PA 135, MCL 333.1081  
3 to 333.1085.

4 (c) 2002 PA 360, MCL 333.1091.

5 (d) The Abortion Insurance Opt-Out Act, 2013 PA 182, MCL  
6 550.541 to 550.551.