

Act No. 58  
Public Acts of 2023  
Approved by the Governor  
July 11, 2023  
Filed with the Secretary of State  
July 12, 2023  
EFFECTIVE DATE: October 10, 2023

**STATE OF MICHIGAN  
102ND LEGISLATURE  
REGULAR SESSION OF 2023**

Introduced by Senators Lauwers, Geiss, Chang, Theis, Bellino, Bayer, Shink, Wojno, McCann,  
Cavanagh and Polehanki

## **ENROLLED SENATE BILL No. 67**

AN ACT to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 90 (MCL 750.90).

*The People of the State of Michigan enact:*

Sec. 90. (1) An individual who undertakes medical treatment of a patient and in the course of that medical treatment misrepresents to the patient that sexual contact between the individual and the patient is necessary or will be beneficial to the patient’s health and who induces the patient to engage in sexual contact with the individual by means of the misrepresentation is guilty of a felony punishable by imprisonment for not more than 20 years.

(2) An individual who undertakes medical treatment of a patient and in the course of that medical treatment misrepresents to the patient that sexual penetration between the individual and the patient is necessary or will be beneficial to the patient’s health and who induces the patient to engage in sexual penetration with the individual by means of the misrepresentation is guilty of a felony punishable by imprisonment for not more than 25 years.

(3) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section.

(4) The court may order a term of imprisonment imposed for a violation of this section to be served consecutively to a term of imprisonment imposed for any other crime, including any other violation of law arising out of the same transaction as the violation of this section.

(5) As used in this section:

(a) “Medical treatment” includes an examination or a procedure.

(b) “Patient” means a person who has undergone or is seeking to undergo medical treatment.

(c) “Sexual contact” means the intentional touching of the victim’s or actor’s intimate parts or the intentional touching of the clothing covering the immediate area of the victim’s or actor’s intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner.

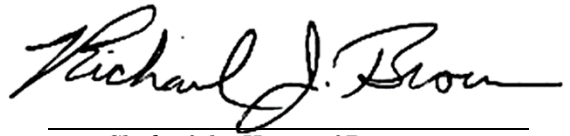
(d) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, regardless of whether semen is emitted, if that intrusion can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved \_\_\_\_\_

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Governor