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Title: Removing Legal Impediments to Women’s Reproductive Rights  
Introduced by: Richard Burney, MD, for the Washtenaw County Delegation  
Original Author: Richard Burney, MD  
Referred To: Reference Committee B  
House Action: **DISAPPROVED**

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Whereas, in 2022 the people of Michigan passed an amendment to the Michigan Constitution that made abortion legal, and

Whereas, many Michigan laws have been passed and still exist regulating women’s reproductive rights, including the 1931 abortion ban, and

Whereas, this new amendment did not remove or invalidate many existing Michigan laws intended to regulate many aspects of reproductive health, including but not limited to: 1) the 24-hour waiting period, 2) unnecessarily onerous abortion clinic health standards, 3) the ban on public funding for abortions, and 4) the so-called “partial birth abortion” ban, and

Whereas, this leaves uncertainty as to women’s reproductive rights, which may take years to resolve in the courts, and

Whereas, the women of Michigan after passage of this constitutional amendment should not have to wait years to achieve effective reproductive freedom; therefore be it

RESOLVED: That MSMS encourage the Michigan Legislature to repeal the 1931 law banning abortion; and be it further

RESOLVED: That MSMS encourage the Michigan Legislature to invalidate any and all laws that currently restrict women’s reproductive rights and are impediments to comprehensive women’s health care.

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WAYS AND MEANS COMMITTEE FISCAL NOTE: \$16,000-\$32,000

**Relevant MSMS Policy:**

**No Constitutional Prohibition**

There should be no amendment to the Constitution of the United States that would prohibit abortion.

**Opposition to Government Regulations Limiting Scope of Women’s Health Coverage**

MSMS supports maintaining the privacy and confidentiality of anyone who purchases additional coverage riders for any benefits including abortion and opposes any limitations on the scope of health care coverage that private insurance companies can offer in a comprehensive health plan.

## **Relevant AMA Policy:**

### **Preserving Access to Reproductive Health Services D-5.999**

Our AMA: (1) recognizes that healthcare, including reproductive health services like contraception and abortion, is a human right; (2) opposes limitations on access to evidence-based reproductive health services, including fertility treatments, contraception, and abortion; (3) will work with interested state medical societies and medical specialty societies to vigorously advocate for broad, equitable access to reproductive health services, including fertility treatments, fertility preservation, contraception, and abortion; (4) supports shared decision-making between patients and their physicians regarding reproductive healthcare; (5) opposes any effort to undermine the basic medical principle that clinical assessments, such as viability of the pregnancy and safety of the pregnant person, are determinations to be made only by healthcare professionals with their patients; (6) opposes the imposition of criminal and civil penalties or 1 other retaliatory efforts against patients, patient advocates, physicians, other healthcare workers, and health systems for receiving, assisting in, referring patients to, or providing reproductive health services; (7) will advocate for legal protections for patients who cross state lines to receive reproductive health services, including contraception and abortion, or who receive medications for contraception and abortion from across state lines, and legal protections for those that provide, support, or refer patients to these services; and (8) will advocate for legal protections for medical students and physicians who cross state lines to receive education in or deliver reproductive health services, including contraception and abortion.

### **Support for Access to Preventive and Reproductive Health Services H-425.969**

Our AMA supports access to preventive and reproductive health services for all patients and opposes legislative and regulatory actions that utilize federal or state health care funding mechanisms to deny established and accepted medical care to any segment of the population.

### **Abortion H-5.995**

Our AMA reaffirms that: (1) abortion is a medical procedure and should be performed only by a duly licensed physician and surgeon in conformance with standards of good medical practice and the Medical Practice Act of his state; and (2) no physician or other professional personnel shall be required to perform an act violative of good medical judgment. Neither physician, hospital, nor hospital personnel shall be required to perform any act violative of personally held moral principles. In these circumstances, good medical practice requires only that the physician or other professional withdraw from the case, so long as the withdrawal is consistent with good medical practice.

### **Sources:**

1. HB 4006 (co-sponsored by Reps. Brabec, Conlin, Wilson, Rheingans): 2023-HIB-4006.pdf (mi.gov)
2. MCL 750.14 (PA 328 of 1931): Michigan Legislature - Section 750.14