



Volume #52, Report #56, Article #7--Thursday, March 21, 2013

[Senate Activity Report](#) | [House Activity Report](#)

Conscientious Objector Bill Heads To Full Senate

A bill that would allow health care providers, professionals and facilities with religious objections to offering certain services the ability to refrain from offering them cleared the Senate Health Policy Committee on Thursday along party lines.

The bill ([SB 136](#)) was reported from committee 5-1, with [Sen. Rebekah Warren](#) (D-Ann Arbor) in opposition and [Sen. Bert Johnson](#) (D-Highland Park) and [Sen. Tonya Schuitmaker](#) (R-Lawton) absent from the meeting.

The bill had two meetings chock full of testimony from both sides since being introduced at the end of January. The only testimony on Thursday came from [Sen. John Moolenaar](#) (R-Midland), the sponsor of the legislation, who made one final push to urge the committee to vote in favor of his bill.

He insisted that an objection could not be based on the patient, despite numerous concerns from groups ranging from those supporting abortion rights to equality groups that a patient would not receive a health service for his or her sexual orientation. Some physicians and ministers also previously spoke in objection to the legislation (See [Gongwer Michigan Report, March 14, 2013](#)).



[Sen. John Moolenaar](#)

(R-Midland) is the sponsor of SB 136.

But there were also religious groups and anti-abortion groups (including Right to Life of Michigan) that supported the legislation, agreeing with Mr. Moolenaar that very similar policies have been implemented in other states and there have been no problems there.

"There's no reason for this bill to be controversial - it strikes a good balance between an employer and the patient's needs while protecting religious liberty rights of an employee that is opposed to an elective procedure or benefit," Dave Maluchnik, director of communications for the Michigan Catholic Conference, said in an e-mail. "These policies are in place in other states (Illinois for over 14 years, for example) and we've seen them work without a problem."

Mr. Moolenaar has also said that the bill would not allow those listed in the bill to object to a service in the case of an emergency.

Ms. Warren proposed three amendments, the first of which was narrowly defeated when it was brought up at the bill's first hearing and would have required public notification in a conspicuous area if a provider knowingly had a religious or conscientious objection to a particular service. Portions of the language came from legislation Republican members supported last term regarding coercive abortions, she said.

She also pointed to a bill ([SB 165](#)) by [Sen. James Marleau](#) (R-Lake Orion), chair of the committee, regarding medical futility and requiring doctors to provide patients and their families with a written policy explaining that a provider or facility deems certain medical treatments useless for the patient. Ms. Warren said Mr. Marleau's guests for whom the bill was drafted said themselves in committee that had they known of such policies they would have gone elsewhere to receive that treatment.

"This amendment in a lot of ways mirrors what I think you were trying to do in Senate bill 165," she said.

But Mr. Marleau said his bill does not require posting something.

[Sen. Joe Hune](#) (R-Hamburg Township) asked Mr. Moolenaar his opinion on the amendment, to which Mr. Moolenaar answered that he could not say for certain but recalled an expert (in support of the legislation) who had testified that such a requirement might violate constitutional privacy issues.

Ms. Warren was perplexed: "I can't imagine that there would be constitutional concerns with posting this kind of notice," she said. "To me, it is not intellectually honest."

But the amendment was defeated 1-5 along party lines, as was her second amendment that would have essentially made an exception to the legislation as written if no other facility or provider within a 25-mile radius could provide the treatment.

Ms. Warren also had a third amendment that she said would have more clearly enshrined the inability for a health care provider or professional to exercise a religious liberty or conscientious objection in the event of an emergency, but that too was defeated by the same vote.

IMMUNIZATION RECORDS: The committee also briefly discussed but did not vote on a series of bills ([SB 237](#), [SB 238](#) and [SB 239](#)) that would amend the Public Health Code, the Revised School Code, and the State School Aid Act, respectively, to require all pupils to submit a certificate of immunization upon enrolling in seventh grade rather than sixth grade beginning in 2014.

A representative with the Michigan Association of Health Plans said the group supported the bill in concept, but had concerns that the language may need to be changed to age rather than grade to both maintain the intent of the bill and meet federal requirements.

[Back To Top >>](#)

Copyright, 2013

Gongwer News Service: The Capitol Record Since 1906

124 West Allegan Street, Suite 1200, Lansing, Michigan, 48933

Phone: 517-482-3500 **Fax:** 517-482-4367 **Email:** gongwer@gongwer.com