

# MICHIGAN'S REPRODUCTIVE HEALTH ACT

## Frequently Asked Questions

### What is the Reproductive Health Act?

The Reproductive Health Act (RHA) will ensure continued access to safe, legal abortion in Michigan. By repealing Michigan's medically unnecessary abortion restrictions, it would ensure that people are free to make their own health care decisions without political interference.

### What does the Reproductive Health Act do?

The RHA protects individual decision-making in the area of reproductive health. This includes decisions about reproductive health care, like:

- Deciding to use or refuse birth control or sterilization.
- Deciding what type of birth control to use, if any.
- Making medical decisions about pregnancy, including having an abortion.

### How does the RHA protect access to abortion?

The RHA ensures abortion is treated like all other health care, with regulations that reflect current medical standards, by repealing and updating Michigan's outdated and unconstitutional laws restricting access to abortion.

- Repeals and Updates | Michigan's Reproductive Health Act will:**
- Remove TRAP (targeted regulation of abortion providers) laws, which impose medically unnecessary and financially burdensome regulations on abortion providers, severely limiting access to procedural abortion. These restrictions limit the number of health centers that can provide procedural abortion and force patients to travel hundreds of miles to access care.
  - Increase health and safety for young people by removing the parental consent requirement, which creates barriers to health care, makes it harder for young people to get the care they need, and interferes with our family relationships.
  - Remove barriers to state and federal funding for health care entities that also provide abortion care.
  - Repeal laws that require patients seeking abortion care to receive biased, medically inaccurate information.
  - Repeal law requiring patients seeking abortion to undergo a state-mandated 24-hour delay.
  - Codify current standards of medical practice regarding which qualified health care professionals can provide abortion.
  - Prohibit criminal punishment of pregnant people for actions they take during pregnancy that would not otherwise be made criminal or punishable.
  - Lift the ban on private insurance coverage for abortion care.

### Why do abortion restrictions need to be repealed?

Our country is in a public health crisis, and every state is impacted. Since the U.S. Supreme

Court overturned *Roe v. Wade* in June 2022 and allowed states to ban abortion, 22 million Americans have lost access to this essential health care. Abortion bans have eliminated care in more than a dozen states so far, forcing people to travel for abortion or remain pregnant against their will. Clinics in states like Michigan where abortion remains legal are inundated with patients forced out of their own communities for care, and additional unnecessary restrictions only delay or block patients from getting the care they need.

### **Why do we need this now?**

This legislation ensures that our reproductive rights are protected in Michigan and that our laws reflect the will of the people and our state constitution, which Michiganders overwhelmingly voted to amend in November 2022 by approving Proposition 3 to protect reproductive freedom, including the right to abortion. Even though we passed a ballot measure to ensure abortion is legal in Michigan, anti-abortion politicians and judges still want to control our bodies and our lives, take away our freedom, and force their will on Michiganders. In the wake of the Supreme Court's decision overturning *Roe v. Wade*, we must do all we can to fight against threats to abortion both nationally and in Michigan. This legislation is needed to serve as a critical backstop against further attacks.

By protecting access to reproductive health care and trusting individuals to make decisions that are right for them, this legislation reflects the opinion of the vast majority of Michiganders — and Americans — who believe individuals should be free to make their own personal medical decisions, including whether to have an abortion, without political interference.

### **Why does this matter?**

Everyone's circumstances are different, and everyone should be able to make important health care decisions that are right for them — no matter who they are, where they live, or how much money they make.

We can't know a person's circumstances or the factors that go into their decision-making; we're not in their shoes. But we do know that such decisions must be left to each individual, based on the advice of the health care professionals they trust, their personal values, and what only they can know is best for themselves and their families.

The RHA removes provisions from Michigan law that interfere with a person's ability to access abortion and ensure they can make their own decisions about their reproductive future. This legislation will help to protect Michiganders' rights to reproductive freedom, and to bring our code into alignment with the state constitution.

### **Can a "fundamental right" protect reproductive health decisions? A**

fundamental right is one that the government cannot interfere with except in certain narrow situations. Under the RHA, a person can sue the State of Michigan or local governments like cities and counties if they improperly deny, interfere with, or discriminate against the person's fundamental right to make their own reproductive health decisions.

## **What does it mean to treat reproductive health care like all other health care?**

The RHA requires that types of reproductive health care are not singled out for different restrictions where there is not a good medical reason for it. For example, Michigan currently requires all abortions to be provided in facilities that are mini-hospitals, even though there is no medical reason for it and abortions are very safe procedures.

The RHA removes language from Michigan law that singles out abortion and pushes it out of reach for those who need it. If the legislature creates different requirements that limit people's ability to make reproductive health decisions or access health care like abortion or birth control, it could be sued in court and required to show compelling evidence to justify the requirements.

## **Are there any limits on when medical professionals can perform abortions under the RHA?**

Health care professionals who provide abortion already follow the accepted standards of clinical practice. Under the RHA, the decision of whether to have an abortion will be left to the pregnant person, depending on their unique circumstances, in consultation with their health care provider. All abortion care will be based on accepted standards of clinical practice.

## **How does the RHA protect against the criminalization of pregnant people?**

It has been a growing trend across the country to criminalize pregnant people for their behavior, simply because they are pregnant.

The RHA says that the government cannot prosecute or punish a person for something that they did or did not do while pregnant just because of the harmful impact the government claims this has had or will have on either the pregnancy or the pregnant person's own health.

If a person is at risk of prosecution for their actions during pregnancy, they may not seek the help, treatment, or medical care that they need, or feel they cannot be honest with their health care providers.

**Does the RHA repeal parental consent for abortion for minors?** Yes. The RHA increases health and safety for young people seeking abortion by removing the forced parental consent requirement.

We all want young people to be safe, healthy, and supported. And we want our family conversations to be free from intrusive political mandates.

Studies show that most young people already voluntarily involve a parent or trusted adult in their health care decisions, including about pregnancy, but not all young people are fortunate to have those healthy relationships in their lives. Forced parental consent requirements make it more difficult for young people – especially those who are already vulnerable – to access necessary abortion care, leading to delays and greater risks to their health.

Research has also shown that these laws don't actually increase parental involvement, but rather threaten young people's health and safety, especially those who may be victims of abuse already.

Mandatory parental consent laws like Michigan's are opposed by medical experts — including the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American Medical Association, and the American Public Health Association — because they increase the risk of harm to adolescents by delaying their access to appropriate medical care.

**What other states have enacted laws like the Reproductive Health Acts?** In the last several years, in response to attacks on abortion at the federal and state levels, many states have affirmed access to abortion care, including [California](#), [Colorado](#), Delaware, Illinois, Kansas, Massachusetts, [Michigan](#), [Minnesota](#), Montana, [Nevada](#), [New Mexico](#), New York, [New Jersey](#), Oregon, Rhode Island, Vermont and Washington State.

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