

HOUSE BILL No. 5499

February 14, 1990, Introduced by Reps. Perry Bullard, Berman, Gubow, Munsell, Hollister, Kilpatrick and Jondahl and referred to the Committee on Judiciary.

A bill to amend Act No. 236 of the Public Acts of 1961, entitled as amended

"Revised judicature act of 1961,"

as amended, being sections 600.101 to 600.9947 of the Michigan Compiled Laws, by adding section 2954.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 236 of the Public Acts of 1961, as
2 amended, being sections 600.101 to 600.9947 of the Michigan
3 Compiled Laws, is amended by adding section 2954 to read as
4 follows:

5 SEC. 2954. (1) A PERSON SHALL NOT INTERFERE WITH EITHER OF
6 THE FOLLOWING:

7 (A) ANOTHER PERSON'S ACCESS TO OR ABILITY TO OBTAIN A HEALTH
8 CARE SERVICE PERMITTED BY LAW.

1 (B) THE ABILITY OF A HEALTH CARE PROVIDER TO PROVIDE A
2 HEALTH CARE SERVICE PERMITTED BY LAW.

3 (2) THE ATTORNEY GENERAL, THE PROSECUTING ATTORNEY FOR THE
4 COUNTY IN WHICH AN ACT OF INTERFERENCE OCCURRED, A HEALTH CARE
5 PROVIDER, OR A PERSON WHOSE ACCESS TO OR ABILITY TO OBTAIN A
6 HEALTH CARE SERVICE IS INTERFERED WITH SHALL HAVE A CAUSE OF
7 ACTION AGAINST A PERSON WHO VIOLATES SUBSECTION (1).

8 (3) THE ATTORNEY GENERAL OR THE PROSECUTING ATTORNEY FOR THE
9 COUNTY IN WHICH AN ACT OF INTERFERENCE OCCURRED MAY COMMENCE A
10 CIVIL ACTION REQUESTING AN INJUNCTION.

11 (4) A HEALTH CARE PROVIDER OR A PERSON WHOSE ACCESS TO OR
12 ABILITY TO OBTAIN A HEALTH CARE SERVICE IS INTERFERED WITH MAY
13 COMMENCE A CIVIL ACTION REQUESTING APPROPRIATE RELIEF, INCLUDING
14 ACTUAL, EXEMPLARY, OR PUNITIVE DAMAGES, COSTS, REASONABLE ATTOR-
15 NEY FEES, OR AN INJUNCTION. A PLAINTIFF REQUESTING DAMAGES SHALL
16 RECOVER THE GREATER OF THE FOLLOWING:

17 (A) TREBLE THE AMOUNT OF ACTUAL DAMAGES. ACTUAL DAMAGES MAY
18 INCLUDE EVIDENCE OF PAIN, SUFFERING, AND EMOTIONAL DISTRESS.

19 (B) EXEMPLARY DAMAGES IN THE AMOUNT OF \$5,000.00 FOR EACH
20 ACT OF INTERFERENCE THAT IS SEPARATELY CHARGEABLE AS A CRIMINAL
21 OFFENSE UNDER THE LAWS OF THIS STATE OR THE UNITED STATES.

22 (5) IF MORE THAN 1 INDIVIDUAL IS INVOLVED IN A SINGLE ACT OF
23 INTERFERENCE, EACH INDIVIDUAL IS JOINTLY AND SEVERALLY LIABLE FOR
24 THE AMOUNT OF DAMAGES AWARDED.