

HOUSE BILL No. 6281

August 15, 2018, Introduced by Rep. Elder and referred to the Committee on Health Policy.

A bill to require an unlicensed family planning facility to provide notice to clients and potential clients about its services; to provide for the form of that notice; and to prescribe civil sanctions and provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Facility" means an association, corporation, limited
3 liability company, or other legal entity.

4 (b) "Licensed medical provider" means an individual who is
5 licensed, registered, or otherwise authorized to engage in a health
6 profession under article 15 of the public health code, 1978 PA 368,
7 MCL 333.16101 to 333.18838, and whose scope of practice includes
8 pregnancy-related services.

1 (c) "Unlicensed covered facility" means a facility that meets
2 all of the following:

3 (i) Is not a health facility or agency that is licensed under
4 article 17 of the public health code, 1978 PA 368, MCL 333.20101 to
5 333.22260, and is not directly conducted, maintained, or operated
6 by the United States or a department, officer, or agency of the
7 United States.

8 (ii) Does not have a licensed medical provider on staff or
9 under contract who provides or directly supervises the performance
10 of the services described in subparagraph (iii).

11 (iii) Its primary purpose is providing pregnancy-related
12 services to the public.

13 (iv) Two or more of the following apply to the facility:

14 (A) It offers obstetric ultrasounds, obstetric sonograms, or
15 prenatal care to pregnant women.

16 (B) It offers pregnancy testing or pregnancy diagnosis.

17 (C) It advertises or solicits clients with offers to provide
18 prenatal sonography, pregnancy tests, or pregnancy options
19 counseling.

20 (D) It has staff or volunteers who collect health information
21 from clients.

22 Sec. 3. (1) Subject to subsection (2), an unlicensed covered
23 facility shall provide the following notice to its clients and
24 potential clients:

25 "This facility is not licensed as a health facility or agency
26 by the State of Michigan and the services provided at this facility
27 are not provided or directly supervised by a licensed medical

1 provider."

2 (2) All of the following apply for purposes of subsection (1):

3 (a) The notice must be included in all print or digital
4 advertisements of the unlicensed covered facility, and on all of
5 the facility's internet websites, in larger point type than the
6 surrounding text, or in contrasting type, font, or color to the
7 surrounding text of the same size, or set off from the surrounding
8 text of the same size by symbols or other marks that call attention
9 to the language.

10 (b) The notice must be included in all broadcast advertising
11 of the unlicensed covered facility.

12 (c) The notice must be posted conspicuously at each public
13 entrance to the unlicensed covered facility, in each room or area
14 in which clients or potential clients wait to receive services, and
15 in each room in which services are provided to a client or
16 potential client, written in a bold font and in at least 24-point
17 type on a sign that is at least 8.5 inches by 11 inches in size.

18 Sec. 5. (1) An unlicensed covered facility that violates this
19 act is responsible for a civil fine of not more than \$5,000.00 for
20 a first violation and not more than \$10,000.00 for a second or
21 subsequent violation. Either the attorney general or a county
22 prosecutor may bring an action to recover a civil fine under this
23 section.

24 (2) This act does not limit the right of a person to seek
25 legal relief and recovery of actual damages incurred in a civil
26 action arising out of a violation of the requirements of this act.

27 Enacting section 1. This act takes effect 90 days after the

1 date it is enacted into law.