

SENATE BILL NO. 404

April 29, 2021, Introduced by Senators THEIS, NESBITT, BARRETT, LASATA, HORN, ZORN, DALEY, BUMSTEAD, JOHNSON, VANDERWALL, BIZON, VICTORY and RUNESTAD and referred to the Committee on Health Policy and Human Services.

A bill to prohibit the implementation of policies in medical facilities that ban other individuals from being present during certain medical procedures or during the end of life of certain individuals; to provide for the powers and duties of certain state and local governmental officers and entities; and to prescribe civil sanctions.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 101. As used in this act:

1 (a) "Developmental disability" means that term as defined in
2 section 100a of the mental health code, 1974 PA 258, MCL 330.1100a.

3 (b) "Guardian" means an individual who is appointed under
4 section 5202 or 5204 of the estates and protected individuals code,
5 1998 PA 386, MCL 700.5202 and 700.5204, or under the mental health
6 code, 1974 PA 258, MCL 330.1001 to 330.2106, to the extent that the
7 scope of the guardianship includes the authority to act on the
8 individual's behalf with regard to a medical procedure.

9 (c) "Health professional" means an individual who is licensed,
10 registered, or otherwise authorized to engage in a health
11 profession under article 15 of the public health code, 1978 PA 368,
12 MCL 333.16101 to 333.18838.

13 (d) "Hospital" means that term as defined in section 20106 of
14 the public health code, 1978 PA 368, MCL 333.20106.

15 (e) "Medical facility" means a hospital, a private practice
16 office of a health professional, an urgent care clinic, or any
17 other facility in which a medical procedure is performed.

18 (f) "Medical procedure" means any care, service, or procedure
19 provided by a health professional or medical facility to diagnose,
20 treat, or maintain an individual's physical condition, or that
21 affects the structure or a function of the human body.

22 (g) "Minor" means an individual who is less than 18 years of
23 age, but does not include an individual who is emancipated under
24 section 4 of 1968 PA 293, MCL 722.4.

25 Sec. 103. (1) Except as otherwise provided in subsection (2)
26 and section 105, a health professional or medical facility shall
27 not implement a policy that prohibits at least 1 parent, guardian,
28 or person in loco parentis of a minor, or a guardian of an adult
29 with a developmental disability, from accompanying the minor or the

1 adult with a developmental disability at all times throughout the
2 course of a medical procedure.

3 (2) This section does not apply under any of the following
4 circumstances:

5 (a) If the minor obtains the medical procedure without the
6 consent or notification of a parent, guardian, or other person
7 acting in loco parentis of the minor, as provided by law.

8 (b) If the medical procedure is to occur within an operating
9 room.

10 Sec. 105. If a minor or adult with a developmental disability
11 is at the end of his or her life, a hospital shall not implement a
12 policy that prohibits any of the following from being present in
13 the hospital with the minor or the adult with a developmental
14 disability:

15 (a) Each of the minor's parents or a guardian or person in
16 loco parentis of the minor.

17 (b) Each guardian of the adult with a developmental
18 disability.

19 Sec. 107. A person who violates this act may be ordered to pay
20 a civil fine of not more than \$1,000.00 for the first offense and
21 not more than \$2,500.00 for a second or subsequent offense. A
22 violation of this act may be prosecuted by the prosecutor of the
23 county in which the violation occurred, or by the attorney general.

24 Enacting section 1. This act takes effect 90 days after the
25 date it is enacted into law.