



HOUSE OF REPRESENTATIVES

COMMITTEE ON HEALTH POLICY

REP. JULIE M. ROGERS

CHAIR

COMMITTEE MEETING MINUTES

Wednesday, September 20, 2023 9:30 AM Room 519, House Office Building

The House Committee on Health Policy was called to order by Chair Rogers.

The Chair requested attendance be called:

Present: Reps. Rogers, Whitsett, Brenda Carter, Haadsma, Neeley, Glanville, Coffia, Conlin, Farhat, Fitzgerald, Miller, Rheingans, VanderWall, Filler, Mueller, VanWoerkom, Roth, Schmaltz, Thompson.

Absent: None.

Excused: None.

Representative Fitzgerald moved to adopt the meeting minutes from September 14, 2023. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 4949, HB 4950, HB 4951, HB 4952, HB 4953, HB 4954, HB 4955, HB 4956, HB 4957, HB 4958 and HB 4959 before the committee:

HB 4949 (Rep. Pohutsky)

A bill to list certain constitutional rights related to reproductive freedom; to prohibit the violation of certain rights and provide remedies; to provide for the powers and duties of certain state and local governmental officers and entities; and to repeal acts and parts of acts.

HB 4950 (Rep. Tsernoglou)

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2690, 2803, 2848, 2854, 9141, 10102, 16221, 16226, 16245, 16299, and 20115 (MCL 333.2690, 333.2803, 333.2848, 333.2854, 333.9141, 333.10102, 333.16221, 333.16226, 333.16245, 333.16299, and 333.20115), section 2690 as amended by 2016 PA 386, section 2803 as amended by 2020 PA 54, sections 2848 and 20115 as amended and section

2854 as added by 2012 PA 499, section 9141 as added by 2004 PA 501, section 10102 as amended by 2008 PA 39, section 16221 as amended by 2023 PA 47, section 16226 as amended by 2023 PA 48, section 16245 as amended by 2014 PA 413, and section 16299 as amended by 2020 PA 375; and to repeal acts and parts of acts.

HB 4951 (Rep. Hope)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 10d of chapter II, sections 1a and 3 of chapter IV, section 6e of chapter V, section 4a of chapter IX, and sections 13k, 16d, and 16p of chapter XVII (MCL 762.10d, 764.1a, 764.3, 765.6e, 769.4a, 777.13k, 777.16d, and 777.16p), section 10d of chapter II, section 3 of chapter IV, and section 6e of chapter V as added and section 1a of chapter IV as amended by 2020 PA 394, section 4a of chapter IX as amended by 2019 PA 115, section 13k of chapter XVII as amended by 2018 PA 587, section 16d of chapter XVII as amended by 2023 PA 59, and section 16p of chapter XVII as amended by 2008 PA 467.

HB 4952 (Rep. Rheingans)

A bill to amend 2002 PA 687, entitled "Born alive infant protection act," by amending section 1 (MCL 333.1071).

HB 4953 (Rep. Morse)

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5711 (MCL 600.5711), as amended by 2014 PA 223.

HB 4954 (Rep. Brabec)

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 2023 PA 103.

HB 4955 (Rep. Price)

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 1810 (MCL 339.1810), as amended by 2020 PA 265.

HB 4956 (Rep. Rogers)

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," by amending section 1 (MCL 780.621), as amended by 2021 PA 78.

HB 4957 (Rep. Steckloff)

A bill to amend 2004 PA 500, entitled "Pregnant and parenting student services act," by amending

section 5 (MCL 390.1595).

HB 4958 (Rep. Weiss)

A bill to amend 1939 PA 280, entitled "The social welfare act," by repealing sections 109a, 109d, and 109e (MCL 400.109a, 400.109d, and 400.109e).

HB 4959 (Rep. Grant)

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 108 and 109 (MCL 400.108 and 400.109), section 108 as amended by 2013 PA 107 and section 109 as amended by 2022 PA 98.

The following people submitted a card in support of HB 4949, HB 4950, HB 4951, HB 4952, HB 4953, HB 4954, HB 4955, HB 4956, HB 4957, HB 4958 and HB 4959, but did not wish to speak:

Mary Pollack, representing the Michigan National Organization for Women.
Judy Karandjeff, representing the League of Women Voters of Michigan.
Mary Jo Durivage, representing herself.

The following people submitted a card in opposition to HB 4949, HB 4950, HB 4951, HB 4952, HB 4953, HB 4954, HB 4955, HB 4956, HB 4957, HB 4958 and HB 4959, but did not wish to speak:

Jeff Hewson, representing the Michigan Family Forum.
Representative Joseph Fox.

Representative VanderWall offered the following amendments to HB 4949:

1. Amend page 3, line 29, after "(a)" by striking out "Sections 90h and" and inserting "Section".

2. Amend page 4, line 1, after "MCL" by striking out "750.90h and".

Representative VanderWall moved to adopt the amendments to HB 4949. The motion did not prevail 8-11-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Whitsett, VanderWall, Filler, Mueller, VanWoerkom, Roth, Schmaltz, Thompson.

Nays: Reps. Rogers, Brenda Carter, Haadsma, Neeley, Glanville, Coffia, Conlin, Farhat, Fitzgerald, Miller, Rheingans.

Pass: None.

Representative Whitsett offered the following amendment to HB 4949:

1. Amend page 4, line 7, by striking out all of Enacting section 2 and inserting:
"Enacting section 2. This act does not take effect unless House Bill No. 4958 of the 102nd Legislature is enacted into law."

Representative Whitsett moved to adopt the amendment to HB 4949. The motion did not

prevail 1-11-7:

UNFAVORABLE ROLL CALL

Yeas: Rep. Whitsett.

Nays: Reps. Rogers, Brenda Carter, Haadsma, Neeley, Glanville, Coffia, Conlin, Farhat, Fitzgerald, Miller, Rheingans.

Pass: Reps. VanderWall, Filler, Mueller, VanWoerkom, Roth, Schmaltz, Thompson.

Representative Brenda Carter moved to report out HB 4949 with recommendation. The motion prevailed 11-8-0:

FAVORABLE ROLL CALL

Yeas: Reps. Rogers, Brenda Carter, Haadsma, Neeley, Glanville, Coffia, Conlin, Farhat, Fitzgerald, Miller, Rheingans.

Nays: Reps. Whitsett, VanderWall, Filler, Mueller, VanWoerkom, Roth, Schmaltz, Thompson.

Pass: None.

Representative Thompson offered the following amendments to HB 4950:

1. Amend page 30, line 26, after "17014," by striking out "17015,".

2. Amend page 30, line 29, after "333.17014," by striking out "333.17015,".

Representative Thompson moved to adopt the amendments to HB 4950. The motion did not prevail 8-11-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Whitsett, VanderWall, Filler, Mueller, VanWoerkom, Roth, Schmaltz, Thompson.

Nays: Reps. Rogers, Brenda Carter, Haadsma, Neeley, Glanville, Coffia, Conlin, Farhat, Fitzgerald, Miller, Rheingans.

Pass: None.

Representative Schmaltz offered the following amendments to HB 4950:

1. Amend page 28, line 12, after "20115." by inserting "(1)".

2. Amend page 28, following line 24, by inserting:

"(2) The department shall promulgate rules to differentiate a freestanding surgical outpatient facility from a private office of a physician, dentist, podiatrist, or other health professional. The department shall specify in the rules that a facility including, but not limited to, a private practice office described in this subsection must be licensed under this article as a freestanding surgical outpatient facility if that facility performs 120 or more surgical abortions per year and publicly advertises outpatient abortion services.

(3) The department shall promulgate rules that in effect republish R 325.3826, R 325.3832, R 325.3835, R 325.3857, R 325.3866, R 325.3867, and R 325.3868 of the Michigan administrative code, but shall include in the rules standards for a freestanding surgical outpatient facility or private practice office that performs 120 or more surgical

abortions per year and that publicly advertises outpatient abortion services. The department shall assure that the standards are consistent with the most recent United States supreme court decisions regarding state regulation of abortions.

(4) Subject to section 20145 and part 222, the department may modify or waive 1 or more of the rules contained in R 325.3801 to R 325.3877 of the Michigan administrative code regarding construction or equipment standards, or both, for a freestanding surgical outpatient facility that performs 120 or more surgical abortions per year and that publicly advertises outpatient abortion services, if both of the following conditions are met:

(a) The freestanding surgical outpatient facility was in existence and operating on December 31, 2012.

(b) The department makes a determination that the existing construction or equipment conditions, or both, within the freestanding surgical outpatient facility are adequate to preserve the health and safety of the patients and employees of the freestanding surgical outpatient facility or that the construction or equipment conditions, or both, can be modified to adequately preserve the health and safety of the patients and employees of the freestanding surgical outpatient facility without meeting the specific requirements of the rules.

(5) By January 15 each year, the department of community health shall provide the following information to the department of licensing and regulatory affairs:

(a) From data received by the department of community health through the abortion reporting requirements of section 2835, all of the following:

(i) The name and location of each facility at which abortions were performed during the immediately preceding calendar year.

(ii) The total number of abortions performed at that facility location during the immediately preceding calendar year.

(iii) The total number of surgical abortions performed at that facility location during the immediately preceding calendar year.

(b) Whether a facility at which surgical abortions were performed in the immediately preceding calendar year publicly advertises abortion services.

(6) As used in this section:

(a) "Abortion" means that term as defined in section 17015.

(b) "Publicly advertises" means to advertise using directory or internet advertising including yellow pages, white pages, banner advertising, or electronic publishing.

(c) "Surgical abortion" means an abortion that is not a medical abortion as that term is defined in section 17017."

3. Amend page 30, line 26, after "Sections" by striking out "2835,".

4. Amend page 30, line 26, after "17014," by striking out "17015,".

5. Amend page 30, line 27, after "17016," by striking out "17017,".

6. Amend page 30, line 28, after "MCL" by striking out "333.2835,".

7. Amend page 30, line 29, after "333.17014," by striking out "333.17015,".

8. Amend page 30, line 29, after "333.17016," by striking out "333.17017,".

Representative Schmaltz moved to adopt the amendments to HB 4950. The motion did not

prevail 8-11-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Whitsett, VanderWall, Filler, Mueller, VanWoerkom, Roth, Schmaltz, Thompson.

Nays: Reps. Rogers, Brenda Carter, Haadsma, Neeley, Glanville, Coffia, Conlin, Farhat, Fitzgerald, Miller, Rheingans.

Pass: None.

Representative VanderWall offered the following amendments to HB 4950:

1. Amend page 30, line 27, after "17015a," by striking out "17016,".
2. Amend page 30, line 27, after "17515," by striking out "17516,".
3. Amend page 30, line 29, after "333.17015a," by striking out "333.17016,".
4. Amend page 31, line 1, by striking out "333.17516,".

Representative VanderWall moved to adopt the amendments to HB 4950. The motion did not prevail 8-11-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Whitsett, VanderWall, Filler, Mueller, VanWoerkom, Roth, Schmaltz, Thompson.

Nays: Reps. Rogers, Brenda Carter, Haadsma, Neeley, Glanville, Coffia, Conlin, Farhat, Fitzgerald, Miller, Rheingans.

Pass: None.

Representative Filler offered the following amendments to HB 4950:

1. Amend page 30, line 27, by striking out "17015a,".
2. Amend page 30, line 29, after "333.17015," by striking out "333.17015a,".

Representative Filler moved to adopt the amendments to HB 4950. The motion did not prevail 8-11-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Whitsett, VanderWall, Filler, Mueller, VanWoerkom, Roth, Schmaltz, Thompson.

Nays: Reps. Rogers, Brenda Carter, Haadsma, Neeley, Glanville, Coffia, Conlin, Farhat, Fitzgerald, Miller, Rheingans.

Pass: None.

Representative VanWoerkom offered the following amendments to HB 4950:

1. Amend page 30, line 26, after "2836," by striking out "2837,".

2. Amend page 30, line 28, after "333.2836," by striking out "333.2837,".

Representative VanWoerkom moved to adopt the amendments to HB 4950. The motion did not prevail 8-11-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Whitsett, VanderWall, Filler, Mueller, VanWoerkom, Roth, Schmaltz, Thompson.

Nays: Reps. Rogers, Brenda Carter, Haadsma, Neeley, Glanville, Coffia, Conlin, Farhat, Fitzgerald, Miller, Rheingans.

Pass: None.

Representative Roth offered the following amendments to HB 4950:

1. Amend page 30, line 26, after "Sections" by striking out "2835,".

2. Amend page 30, line 28, after "MCL" by striking out "333.2835,".

Representative Roth moved to adopt the amendments to HB 4950. The motion did not prevail 8-11-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Whitsett, VanderWall, Filler, Mueller, VanWoerkom, Roth, Schmaltz, Thompson.

Nays: Reps. Rogers, Brenda Carter, Haadsma, Neeley, Glanville, Coffia, Conlin, Farhat, Fitzgerald, Miller, Rheingans.

Pass: None.

Representative Whitsett offered the following amendment to HB 4950:

1. Amend page 31, line 2, by striking out all of Enacting section 2.

Representative Whitsett moved to adopt the amendment to HB 4950. The motion did not prevail 1-11-7:

UNFAVORABLE ROLL CALL

Yeas: Rep. Whitsett.

Nays: Reps. Rogers, Brenda Carter, Haadsma, Neeley, Glanville, Coffia, Conlin, Farhat, Fitzgerald, Miller, Rheingans.

Pass: Reps. VanderWall, Filler, Mueller, VanWoerkom, Roth, Schmaltz, Thompson.

Representative Rheingans moved to report out HB 4950 with recommendation. The motion prevailed 11-8-0:

FAVORABLE ROLL CALL

Yeas: Reps. Rogers, Brenda Carter, Haadsma, Neeley, Glanville, Coffia, Conlin, Farhat, Fitzgerald, Miller, Rheingans.

Nays: Reps. Whitsett, VanderWall, Filler, Mueller, VanWoerkom, Roth, Schmaltz, Thompson.

Pass: None.

Representative Neeley moved to report out HB 4953 with recommendation. The motion prevailed 10-8-1:

FAVORABLE ROLL CALL

Yeas: Reps. Rogers, Brenda Carter, Haadsma, Neeley, Glanville, Coffia, Conlin, Fitzgerald, Miller, Rheingans.

Nays: Reps. Whitsett, VanderWall, Filler, Mueller, VanWoerkom, Roth, Schmaltz, Thompson.

Pass: Rep. Farhat.

Representative Rheingans moved to report out HB 4954 with recommendation. The motion prevailed 11-8-0:

FAVORABLE ROLL CALL

Yeas: Reps. Rogers, Brenda Carter, Haadsma, Neeley, Glanville, Coffia, Conlin, Farhat, Fitzgerald, Miller, Rheingans.

Nays: Reps. Whitsett, VanderWall, Filler, Mueller, VanWoerkom, Roth, Schmaltz, Thompson.

Pass: None.

Representative Neeley moved to report out HB 4955 with recommendation. The motion prevailed 11-8-0:

FAVORABLE ROLL CALL

Yeas: Reps. Rogers, Brenda Carter, Haadsma, Neeley, Glanville, Coffia, Conlin, Farhat, Fitzgerald, Miller, Rheingans.

Nays: Reps. Whitsett, VanderWall, Filler, Mueller, VanWoerkom, Roth, Schmaltz, Thompson.

Pass: None.

Representative Rheingans moved to report out HB 4956 with recommendation. The motion prevailed 11-8-0:

FAVORABLE ROLL CALL

Yeas: Reps. Rogers, Brenda Carter, Haadsma, Neeley, Glanville, Coffia, Conlin, Farhat, Fitzgerald, Miller, Rheingans.

Nays: Reps. Whitsett, VanderWall, Filler, Mueller, VanWoerkom, Roth, Schmaltz, Thompson.

Pass: None.

There being no further business before the committee, Chair Rogers adjourned the meeting at 9:55 AM.

Representative Julie M. Rogers, Chair

Melissa Sweet
Committee Clerk
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