

Senate Judiciary Committee
c/o Senator Rick Jones
Chair, Judiciary Committee
Michigan State Senate
PO Box 30036
Lansing, MI 48909

April 28, 2015

RE: Senate Bill No. 4

Dear Senate Judiciary Committee:

The National Women's Law Center is a non-profit legal advocacy organization that has been dedicated to the protection of women's legal rights and the advancement of women's opportunities since its founding in 1972. The Center focuses on issues of key importance to women and their families, including economic security, employment, education, health, and reproductive rights, with special attention to the needs of low-income women. The National Women's Law Center submits this testimony regarding Senate Bill No. 4, the Michigan Religious Freedom Restoration Act (MRFRA).¹

If passed, MRFRA could threaten women's health, well-being, and economic security by allowing religious beliefs to justify discrimination. This testimony is submitted in order to identify what is at stake as the Senate Judiciary Committee considers MRFRA.

Special exemptions like MRFRA allow people to claim that otherwise generally applicable laws do not apply to them. These claims often result in other individuals being harmed or having religious beliefs imposed upon them under the guise of religious freedom. The federal Religious Freedom Restoration Act, for example, was used to allow certain for-profit companies to refuse to follow the federal law requiring insurance coverage of birth control.² This means that women working for these companies no longer have a benefit in the health insurance they earned through their work and paid for through their premiums. The decision makes it more difficult for women to access the basic health care they need, undermining the rights and economic stability of women workers and their families.

MRFRA could similarly be used to justify discrimination and threaten women's health and well-being. Employers could attempt to use MRFRA to claim that their religious beliefs prohibit them from providing insurance coverage of contraception, as required under Michigan law.³ Health care facilities could also use MRFRA to try to seek exemptions from current state protections against discrimination in health care.⁴

Under MRFRA, medical professionals could use their religious beliefs to claim exemptions from laws intended to guarantee access to health care services, threatening efforts by Michigan state and local governments to enact and enforce new protections against discrimination. Health care

providers in other states have refused to provide emergency contraception to rape survivors, claiming that to do so would violate their religious beliefs;⁵ denied HIV medication to an HIV positive patient, stating, “This is what he gets for going against God’s will”;⁶ refused to care for a newborn because the baby’s parents were lesbians;⁷ and refused to provide in vitro fertilization to a lesbian couple.⁸ If passed, MRFRA could have a chilling effect on legislative efforts to prohibit such discrimination. Further, MRFRA could be used by health care providers to seek exemptions from any new health care protections that state or local governments do pass.

We urge Michigan Senators to stand firm in the principle that religion should never be used to discriminate or to harm others, and to reject the Michigan Religious Freedom Restoration Act.

Sincerely,



Kelli Garcia
Senior Counsel, National Women’s Law Center

¹ S.B. 4 2015 Leg., Reg. Sess. (Mich. 2015).

² See *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751, Nos. 13-354, 13-356, 2014 WL 2921709 (June 30, 2014).

³ MICH. CIVIL RIGHTS COMM’N, DECLARATORY RULING ON CONTRACEPTIVE EQUITY (2006), available at: https://www.michigan.gov/documents/Declaratory_Ruling_7-26-06_169371_7.pdf (ruling that the language of Michigan’s Elliott-Larsen Civil Rights Act clearly prohibits employers from excluding prescription contraceptive coverage from otherwise comprehensive health plans).

⁴ Michigan law requires health facilities to adopt policies that, at a minimum, include: “a patient or resident shall not be denied appropriate care on the basis of race, religion, color, national origin, sex, age, disability, marital status, sexual preference, or source of payment.” MICH. COMP. LAWS ANN. § 333.20201(2)(a) (2015), available at: [http://www.legislature.mi.gov/\(S\(wkzdfiz5xjuymuac5mnh03yv\)\)/mileg.aspx?page=GetObject&objectname=mcl-333-20201](http://www.legislature.mi.gov/(S(wkzdfiz5xjuymuac5mnh03yv))/mileg.aspx?page=GetObject&objectname=mcl-333-20201).

⁵ See, e.g., Annie-Rose Strasser, *Oklahoma Doctor Refuses to Provide Rape Victim with Emergency Contraception*, THINKPROGRESS, May 31, 2012, <http://thinkprogress.org/health/2012/05/31/492878/rape-victim-refused-emergency-contraception-in-oklahoma/>.

⁶ See, e.g., Complaint, *Simoes v. Trinitas Regional Medical Center*, No. UNNL-1868-12 (N.J. Super. Ct. Law Div. May 23, 2012); see also Chris Fry, *Doctors With Gay Bias Denied Meds, Man Says*, COURTHOUSE NEWS, June 1, 2012, <http://www.courthousenews.com/2012/06/01/47019.htm>.

⁷ See, e.g., Abby Phillip, *Pediatrician Refuses to Treat Baby with Lesbian Parents and There’s Nothing Illegal About It*, WASH. POST, February, 19, 2015, <http://www.washingtonpost.com/news/morning-mix/wp/2015/02/19/pediatrician-refuses-to-treat-baby-with-lesbian-parents-and-theres-nothing-illegal-about-it/>.

⁸ See, e.g., *N. Coast Women’s Care Med. Group, Inc. v. San Diego County Super. Ct.*, 189 P.3d 959 (Cal. 2008).