



## Highlights of Reproductive History in Michigan

**1846:** Michigan bans abortion except to save the life of the mother and makes it a felony to perform. Prior to that abortion was provided by a variety of practitioners.

[Historical Abortion Law Timeline: 1850 to Today \(plannedparenthoodaction.org\)](http://plannedparenthoodaction.org)

**1873:** The federal Comstock Act passes to criminalize publication, distribution and possession of information about or devices or medications for abortion or contraception.  
ch. 258, 17 Stat 598

**1931:** Michigan bans abortion except to save the life of the mother and makes it a felony to perform, PA 328 of 1931, updating the ban passed in 1846. Michigan Compiled Laws (MCL) 750.14 and 750.15\*

**1936:** Margaret Sanger files a lawsuit and a federal appeals court ruled in *United States v. One Package of Japanese Pessaries* that the federal government could not interfere with doctors providing contraception to their patients.

**1965:** The U.S. Supreme Court rules in favor of the constitutional right of married persons to use birth control in *Griswold v Connecticut*.

**1972:** Michigan voters by 1.96 million to 1.27 million (61%-39%) reject a citizen initiated legislative initiative petition drive to allow abortion in the first three months of pregnancy performed by a physician.

The U.S. Supreme Court ruling in *Eisenstadt v Baird* establishes the right of unmarried people to possess contraception on the same basis as married couples.

**1973:** January 22, the U.S. Supreme Court affirms a constitutional right of privacy, allowing a woman's right to choose an abortion, *Roe v Wade*.

**1976:** The Hyde Amendment is adopted on federal appropriations bill that bans using federal funds for Medicaid from covering abortions.

**1978:** The Legislature adopts the new MI Public Health Code that includes ban on research using fetuses and to allow health care workers and facilities not to participate in abortions.

PA 368 of 1978 signed by Governor William Milliken. MCL 333.2685, 333.2689, 333.20181, 333.29182, and 333.20183.

**1978 - 1982:** Governor William Milliken issues the first of what will be 11 vetoes of legislative attempts to prohibit Medicaid payments for abortion using state funds.

**1983 - 1986:** Governor James Blanchard vetoes 6 attempts to ban Medicaid-funded abortions using state funds.

January 1983, the League of Women Voters of the United States adopts the position that LWV believes that public policy in a pluralistic society must affirm the constitutional right of privacy of the individual to make reproductive choices.

**1987:** Right to Life of Michigan launches the first successful citizen initiated legislative initiative petition drive to ban public funds being used to pay for abortions for welfare recipients. The Legislature approves the law bypassing the Governor and without a vote of the people. PA 59 of 1987. MCL 400.109a

**1988:** Referendum on overturning the ban on Medicaid funds being used for abortions. Failed.

**1990:** Right to Life has a second successful citizen initiated legislative initiative petition drive to require parental consent of at least one parent before a minor can get an abortion. The Legislature approves the law by bypassing the Governor and without a vote of the people. PA 211 of 1990, Parental Rights Restoration Act. MCL 722.901-722.909.

**1992:** The U.S. Supreme Court rules in *Planned Parenthood of Southeastern Pennsylvania v. Casey* that states can regulate abortion prior to fetal viability.

**1993:** Legislature passes law requiring women receive state-mandated counseling and wait 24-hour hours before making an appointment and getting an abortion. PA 133 of 1993 signed by Governor John Engler, Informed Consent. MCL 333.9161, 333.16221, 333.16226, 333.17014, and 333.17015

**1996:** Michigan becomes the first state to ban partial-abortions when the Legislature passes PA 273 of 1996 signed by Governor John Engler. It was ruled unconstitutional in 1997 by a federal court.

**1999:** The Legislature passes PA 107 of 1999 and was signed by Governor Engler to ban partial-birth abortions. It was ruled unconstitutional by federal court.

Governor Engler and Legislature pass three new laws, Public Acts 207-209 of 1999, that regulate abortion clinics, Clinic Regulation Act, Abortion Reporting Act, Abortion Injury Reporting Act. Targeted Regulation of Abortion Providers (TRAP laws). MCL 333.2835, 333.2837, and 41.110b

**2000:** Legislature passed law to prohibit clinics from providing their own information required for 24-hour waiting period and instead require using state website. PA 345 of 2000 signed by Governor John Engler. MCL 333.17015

The FDA rules mifepristone safe for use in the United States to terminate pregnancies up to seven weeks gestation. It can only be dispensed to users directly at clinics, doctor's offices and hospitals.

**2002:** Legislature passes law requiring the Michigan Department of Community Health to give priority in the allocation of funds to those who do not 1) perform elective abortions, 2) refer for abortion, or 3) adopt a policy that abortion is an acceptable reproductive health service. PA 360 of 2002, signed by Governor Engler. MCL 333.1091

Legislature adopts law banning prepayment for abortion. PA 685 of 2002, signed by Governor John Engler. MCL 333.26399, 333.17014, 333.17015

**2003:** A federal Partial-Birth Abortion Ban Act of 2003 is adopted and enacted on November 5, 2003. It was upheld as constitutional by U.S. Supreme Court in 2007.

**2004:** The third successful Right to Life citizen initiated legislative initiative petition drive bans partial- birth abortions, the Legal Birth Definition Act. The Legislature approves PA 135 of 2004 and could not be vetoed by Governor Jennifer Granholm and was not voted on by the people. It was ruled unconstitutional and never went into effect.

**2006:** Legislature adopts a bill that requires, in certain circumstances, a woman undergoing an abortion to have the opportunity to view an ultrasound image of the fetus. PA 77 of 2006 signed by Governor Jennifer Granholm. MCL 333.17015

**2011:** Legislature adopts a partial-birth abortion ban to the Michigan Penal Code, PA 168 of 2011, that mirrors the federal law. It also adopts sentencing guidelines for the crime of performing a partial-birth abortion, PA 169 of 2011. They were signed by Governor Rick Snyder and went into effect in 2012. MCL 750.90h, 777.16d, 750.81(5)-750.91.

**2012:** Legislature passes a bill that requires abortion clinics to conform to the same strict regulatory standards as outpatient surgical centers, requires screening for coercion, requires physician to do a medical exam prior to a medical abortion. PA 499 of 2012, signed by Governor Rick Snyder. Targeted Regulation of Abortion Providers (TRAP laws) MCL 333.2803-04, 2834-36, 2848, 2854; 133.13805, 16221, 16226, 16299; 333.17015, 17015a, 17017, 17515,17517, 20115, 22224.

**2013:** The Legislature approves a fourth Right to Life citizen initiated legislative petition that requires women to purchase an additional rider on their health insurance if they want to have coverage for an abortion. Governor Rick Snyder vetoed similar legislation. It was passed by the Legislature and not voted on by the people. PA 182 of 2013, Abortion Insurance Opt-Out Act. MCL 550.541-551.

**2016:** The FDA says mifepristone can be prescribed for pregnancies up to 10 weeks gestation.

**2018:** Gov. Rick Snyder vetoes a bill that would have continued a ban on doctors using video conferencing to prescribe abortion-inducing drugs to pregnant women, SB 1198.

**2020:** Right to Life of Michigan ended a citizen initiated legislative initiative petition drive to ban a common second-trimester abortion method, dilation and extraction. The Bureau of Elections said they did not have enough valid signatures submitted.

The FDA halts enforcement of the in-person dispensing requirements due to the Covid-19 pandemic, allowing mifepristone to be mailed to patients after telemedicine consultations.

**2022:** The Michigan Heartbeat Coalition starts a citizen initiative legislative petition drive to ban abortions when a fetal heartbeat is detected, which is generally at about six to eight weeks of pregnancy. They fail to gather enough signatures.

April 7, Planned Parenthood of MI and Dr. Sarah Walleth file a lawsuit challenging the 1931 MI Abortion Law in Michigan's Court of Claims, *Planned Parenthood v Attorney General*. The same day, Governor Whitmer files in Oakland County Circuit Court challenging the 1931 abortion law, *Whitmer v Linderman*.

May 17, MI Court of Claims Judge Elizabeth Gleicher issues a preliminary injunction blocking the implementation of the 1931 law. Right to Life and MI Catholic Conference filed a challenge.

May 25, Governor Gretchen Whitmer issues Executive Directive 2022-5 directing Michigan departments to not cooperate with any other state or authority attempting to prosecute anyone who obtains, provides or assists with obtaining an abortion or other forms of reproductive health care. The directive also calls on applicable agencies to increase protections for reproductive health care and take steps to raise awareness about availability of reproductive health care and forms of contraception.  
[Executive Directive 2022-5: Reproductive Rights in Michigan](#)

June 24, the U.S. Supreme Court overturns *Roe v Wade* decision, *Dobbs v Jackson Women's Health Clinic*. Governor Gretchen Whitmer files motion to protect abortion in the Michigan Supreme Court to stop enforcement of Michigan's 1931 law banning abortion. MCL 750.14-15.

June 29, Governor Gretchen Whitmer sends letters to Michigan insurance companies urging them to provide full coverage for reproductive health care.

July 7, Republicans in the House and Senate file a challenge in the Court of Appeals against the injunction and asking the case to be dismissed.

July 8, President Joe Biden signs an Executive Order protecting access to reproductive health care. Information is available here <https://www.whitehouse.gov/briefing-room/statements-releases/2022/07/08/fact-sheet-president-biden-to-sign-executive-order-protecting-access-to-reproductive-health-care-services/>

July 11, the MI Reproductive Freedom for All turns in a record number of signatures to place a constitutional amendment guaranteeing reproductive freedom.

July 13, Governor Gretchen Whitmer signs a new Executive Order that will block the extradition of women coming to the state for an abortion along with any providers who assist in the procedure. Executive Order 2022-4, Unavailability of Interstate Extradition.  
[2022-EO-04.pdf \(mi.gov\)](#)

August 19, The Oakland County Circuit Court has a hearing on August 17 and August 18 about continuing the temporary injunction for the 1931 abortion law (*Whitmer v Linderman*). On August 19, Oakland County Circuit Judge Jacob Cunningham granted a preliminary injunction blocking the 1931 law. The court sets a pretrial conference for November 21, 2022. This ruling prohibits county prosecutors from enforcing the 1931 law.

September 7, the Michigan Court of Appeals rules that the 1931 abortion law cannot be enforced.

September 8, the MI Supreme Court rules 5-2 that Proposal 3, Reproductive Freedom for All, be placed on the November ballot. The State Board of Canvassers deadlocked on approving it for the ballot because of a typographical error.

November 8, the voters approve Proposal 3, Reproductive Freedom for all, 57% to 43%. Proposal 3 provides for a state constitutional right to reproductive freedom. The term reproductive freedom is defined in the proposal as "the right to make and effectuate decisions about all matters relating to pregnancy, including but not limited to prenatal care, childbirth, postpartum care, contraception, sterilization, abortion care, miscarriage management, and infertility care." The ballot initiative provides that the state can regulate abortion after fetal viability, except that the state could not ban the use of abortion to "protect the life or physical or mental health of the pregnant individual," as determined by an attending health care professional. On August 2, 2022, Kansas voters reject a ballot proposal that says the state constitution does not create a right to an abortion or public abortion funding, 41%-59%. On November 8, 2022, Kentucky voters reject a ballot proposal that says the state constitution does not create a right to an abortion or public abortion funding, 48% to 52%. (Ballotpedia)

December 21, the State Board of Canvassers certifies Proposal 2 and 3, following a two-week recount funded by American Project.

**2023:** January 20, the MI Supreme Court closes the 1931 law case because of passage of Proposal 3.

April 5, Governor Whitmer signed into law, PA 11, 12 and 13 of 2023. PA 11 repeals sections 14 & 15 of PA 328 of 1931 (MCL 750.14 & 750.15) that provide a penalty for administering with intent to procure miscarriage and advertisement or sale of certain drugs. PA 12 repeals section 40 of the Michigan Penal Code (MCL 750.40) that makes it a misdemeanor offense to publish or sell in Michigan a circular, pamphlet, or book that contains either of the following recipes for abortion or contraception. PA 13 repeals the sentencing guidelines for a crime of administering drugs to procure a miscarriage, sec. 16a, ch. XVII of 1927 PA 175 (MCL 777.16a).

April 7, Federal District Court Judge in Texas, Matthew Kacsmaryk issues a preliminary nationwide injunction blocking the FDA approval of mifepristone, a medication used for abortions and miscarriages, in *Alliance for Hippocratic Medicine v. FDA*.

April 7, Federal District Court Judge in Washington State, Thomas O. Rice, grants a request from 17 states and D.C., *State of Washington v FDA*, to block FDA from making changes to mifepristone's access in the states that sued. The states that sued the FDA in Eastern Washington are Washington, Oregon, Arizona, Colorado, Connecticut, Delaware, Illinois, Michigan, Nevada, New Mexico, Rhode Island, Vermont, Hawaii, Maine, Maryland, Minnesota and Pennsylvania, and Washington, D.C.

April 12, A federal appeals court partially overturns the Texas judge's action, saying that it was far too late for plaintiffs to challenge the FDA's 2000 approval of the drug. But the appeals court accepts the judge's block on the 2016 FDA decision to expand mifepristone use up to 10 weeks gestation, and its decision to allow distribution by mail.

April 21, The U.S. Supreme Court blocked new restrictions set by lower courts on mifepristone and granted emergency requests by the Justice Department and the pill's manufacturer Danco Laboratories to put on hold an April 7 preliminary injunction issued by U.S. District Judge Matthew Kacsmaryk in Texas. The case returns to the New Orleans-based

5th U.S. Circuit Court of Appeals, which is set to hear arguments on May 17. The losing side after the 5th Circuit rules could appeal the case back to the Supreme Court.

20 states are accessible, 18 states have some restrictions (includes Michigan), and 12 states make abortion illegal. (abortionfinder.org)

\*Michigan Compiled Laws are available at [www.legislature.mi.gov](http://www.legislature.mi.gov)

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