



Highlights of Reproductive Health Care History in Michigan – 2025

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

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*. Protected the rights to abortion in all 50 states

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

1978: The MI 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: MI 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: MI 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.

1984: President Ronald Reagan issues the Global Gag Rule (Mexico City Policy) that prevents foreign nations that receive US aid from providing information of referrals for abortion or advocating for abortion rights. Republican presidents continue this policy and Democratic presidents rescind the policy. Took effect in 1985.

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: MI referendum on overturning the ban on Medicaid funds being used for abortions. Failed.

1990: Right to Life of Michigan 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: MI 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

1994: May, President Bill Clinton signed the Freedom of Access to Clinic Entrances Act (FACE), that prohibits: (1) the use of physical force, etc. with any person who is obtaining an abortion, (2) the use of physical force, etc. with any person who is exercising their First Amendment right of religious freedom at a place of worship, and (3) the intentional damage or destruction of a reproductive health care facility or a place of worship.

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 MI 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: MI 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: MI 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

MI 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.

2004: The third successful Right to Life of Michigan 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: MI 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

2007: The federal partial-birth abortion ban was upheld as constitutional by U.S. Supreme Court in 2007. *Gonzales v Carhart* and *Gonzales v PPFPA*.

2011: MI 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: MI 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 MI 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 Federal Drug Administration (FDA) says mifepristone can be prescribed for pregnancies up to 10 weeks gestation.

2018: MI Gov. Rick Snyder vetoed 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 not to 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 22-3, 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 22-3, 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.

Michigan abortion-related laws at the time of the passage of Proposal 22-3 are:

- Private insurance policies cover abortion only in cases of life endangerment, unless individuals purchase an optional rider at an additional cost.
- A patient must receive state-directed counseling that includes information designed to discourage the patient from having an abortion, and then wait 24 hours before the procedure is provided.
- Health plans offered in the state's health exchange under the Affordable Care Act can only cover abortion in cases of life endangerment, unless individuals purchase an optional rider at an additional cost.
- Abortion is covered in insurance policies for public employees only in cases of life endangerment, unless individuals purchase an optional rider at an additional cost.
- The parent of a minor must consent before an abortion is provided or go through the judicial process.
- Medicaid funding is available for abortion only in cases of life endangerment, rape, or incest.
- The state requires abortion clinics to meet certain standards related to their physical plant, equipment, and staffing.

December 21, the State Board of Canvassers certifies Proposal 22-2 and Proposal 22-3, 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 22-3.

April 5, MI 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 mifepristone. 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.

May, MI Governor Whitmer signed PA 31 of 2023 prohibiting employers from discriminating against a woman because she had an abortion.

November, MI Governor Whitmer signed the MI Reproductive Health Act, Public Acts 202-209 of 2023. The Reproductive Health Act (RHA) repeals the law that forced patients to buy a separate insurance rider for abortion, repeals Michigan's TRAP Laws, which are designed specifically to close abortion providers. repeals an old, outdated law from 1931 that would have criminalized nurses and doctors for prescribing medication abortion including mifepristone and ensures students at Michigan public universities have access to accurate information about all their reproductive health options.

December, MI Governor Whitmer signed PA 271 and PA 272 of 2023 to protect health care workers who perform abortions.

2024: February, *Northland Family Planning Center v Nessel* is filed by Center for Reproductive Rights in the MI Court of Claims challenging the 24-hour waiting period, informed consent and who can provide abortions.

April, MI Governor Whitmer signed the MI Family Protection Act legalizing surrogacy and protecting in vitro fertilization (IVF), Public Acts 24-32 of 2024.

June, *YWCA of Kalamazoo v State of MI and MI Department of Health and Human Services* lawsuit is filed by ACLU of MI in the MI Court of Claims challenging the ban on Medicaid funded abortions in Michigan.

June 25, the MI Court of Claims issued a preliminary injunction in the lawsuit challenging the 24-hour waiting period. [Patel Order.pdf](#)

2025: January 21, Governor Gretchen Whitmer signed 16 bills to expand reproductive freedom. Public Acts 241-257 of 2024 include allowing pharmacists to prescribe contraceptives, requiring insurers to cover contraceptives, reducing health disparities and providing mental health care.

January 24, President Trump signed two federal executive orders. One repeals a Biden administration order that encouraged government agencies to look for ways “to protect and expand access to abortion care, including medication abortion” as well as “the full range of reproductive healthcare services,” including birth control and emergency contraception, the Hyde Amendment. The second executive order reinstates the so-called Mexico City Policy restricting foreign organizations receiving U.S. global health funding from providing and promoting abortion with other sources of financing. Additionally, the Trump administration announced that prosecutions and civil actions under the Freedom of Access to Clinic Entrances Act of 1994 (FACE Act) will not be permitted except in extraordinary circumstances or in cases presenting significant aggravating factors.

Highlights of current laws on abortion in Michigan:

- The MI Constitution, Article I, Section 28, states the right to reproductive freedom.
- The Reproductive Health Act (RHA) has been enacted.
- The 24-hour waiting period has been enjoined by the MI Court of Claims.
- Parental consent or a judicial by-pass for abortion is required.
- The ban on Medicaid funding for abortions is still in effect, and a court case is pending in the MI Court of Claims.

*Michigan Compiled Laws are available at www.legislature.mi.gov

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