

Legislative Analysis



PUBLICATION OF RECIPES FOR SUBSTANCES TO PREVENT CONCEPTION OR CAUSE MISCARRIAGE

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<http://www.house.mi.gov/hfa>

Senate Bill 2 as passed by the Senate
Sponsor: Sen. Erika Geiss
House Committee: Judiciary
Senate Committee: Health Policy
Complete to 3-15-23

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 2 would repeal section 40 of the Michigan Penal Code. Section 40, which was codified in 1931, currently makes it a misdemeanor offense to publish or sell in Michigan a circular, pamphlet, or book that contains either of the following:

- Recipes or prescriptions in indecent or obscene language for the cure of chronic female complaints or private diseases.
- Recipes or prescriptions for drops, pills, tinctures, or other compounds designed to prevent conception or that tend to produce miscarriage or abortion.

MCL 750.40

BACKGROUND:

Senate Bill 2 is part of a package of House and Senate bills that propose to repeal statutes related to abortion that appear to have been rendered moot or inoperable by the adoption of Ballot Proposal 3 in November 2022. That proposal added section 28 to Article I of the state constitution, which, among other things, provides that “[e]very individual has a fundamental right to reproductive freedom, which entails the right to make and effectuate decisions about all matters relating to pregnancy.” Other bills include Senate Bills 37, 38, 39, and 93 and House Bills 4006, 4031, and 4032. House Bills 4006 and 4032 have been passed by both chambers and ordered enrolled.

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

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