



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE DIRECTIVE

No. 2022-5

To: State Department Directors and Autonomous Agency Heads
From: Governor Gretchen Whitmer
Date: May 25, 2022
Re: Reproductive Rights in Michigan

Reproductive rights are under threat from those who would deny women the ability to make informed decisions about their health and bodies. As the recent draft opinion in *Dobbs v Jackson Women's Health Organization* demonstrates, the United States Supreme Court appears poised to eliminate a right to abortion that has been part of American law for nearly five decades. When that happens, an antiquated law could come back into force in Michigan and make abortion a felony, without exceptions even in cases of rape or incest.

Under the Due Process Clause of the Michigan Constitution, Michiganders have a right to bodily integrity, which includes the right to make informed decisions about whether and when to bear children. The Equal Protection Clause of the Michigan Constitution also shields women from laws that would relegate them to second-class status, including those that would deny them the freedom to make their own decisions, in consultation with their doctors, about whether to terminate a pregnancy.

But the provision of safe and legal abortion is only one aspect of reproductive health care. Whatever happens at the U.S. Supreme Court, my administration is committed to ensuring that all Michigan residents have access to safe and affordable health care, including contraception. A woman's health, not politics, should guide life-changing medical decisions.

Acting under sections 1 and 8 of Article 5 of the Michigan Constitution of 1963, I direct the following:

1. Departments and agencies must review aspects of reproductive health care that fall within their jurisdiction and identify and assess potential opportunities to increase protections for reproductive health care, consistent with applicable law. Departments and agencies whose jurisdiction includes any aspect of reproductive health care must provide a report to the Executive Office of the Governor detailing

their conclusions about such opportunities within 30 days. This review must consider how to:

- (a) Protect the health of Michiganders and increase the choices available to them to protect their health, including mental, physical, and reproductive health;
 - (b) Ensure care for individuals undergoing miscarriages;
 - (c) Safeguard the privacy of individuals seeking health care, including the privacy of their health data; and
 - (d) Provide for the safety of reproductive health-care providers.
2. Departments and agencies must, consistent with applicable law, take steps to protect reproductive rights. Specifically:
- (a) Departments and agencies that communicate directly with the public on matters pertaining to reproductive health must:
 - (1) Provide comprehensive information about the current cost and availability of reproductive health care in a manner that is easily accessed and understood by the public; and
 - (2) Adopt measures to increase public awareness about the availability and safety of contraception, including long-acting reversible contraception, such as intrauterine devices and others, and emergency contraception.
 - (b) Departments and agencies with enforcement responsibilities must decline to cooperate with or assist the authorities of any state or any political subdivision of any state in any investigation or proceeding against an individual for obtaining or providing, or assisting another to obtain or provide, any reproductive health care that is legal under the law of the jurisdiction where the care was provided.

This directive is effective immediately.

Thank you for your cooperation in implementing this directive.



Gretchen Whitmer
Governor