



# Right to Life of Michigan

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Madam Chair and members of the House Judiciary Committee: thank you for giving me the opportunity to speak in opposition of SB 2, a bill that repeals section 750.40 of the Michigan Penal Code. My name is Genevieve Marnon, and I'm the legislative director for Right to Life of Michigan.

Once upon a time, I worked in an alternative ed high school. At that time, some of the guys were attempting to get jobs. The problem was, they needed to be able to pass a drug screening test. "No worries," said one of the students, "all you have to do is drink a quart of pickle juice the night before the test". Yes, that was his recipe for how to fool a drug test. Unfortunately, it's not effective, and it's also a great way to ruin your kidneys. I certainly hope his "medical guide" to passing a drug test isn't printed as a pamphlet. I would hope you wouldn't want his suggested medical compound for how to avoid pregnancy or how to terminate one to be disseminated either. Whatever you or I think about abortion, I hope we can agree that if a woman is choosing an abortion, she isn't being guided on how to prepare an at-home DIY concoction that she discovered online or in a publication.

750.40 was recently mischaracterized in the mainstream media as "repealing a dormant law banning access to contraception." That is an absolutely completely false statement! Clearly this reporter has not read section 750.40 which has absolutely nothing to do with banning access to contraception! Nothing!

MCL 750.40 is very short, so before you vote to repeal this law, I'd like to read it aloud:

*The publication or sale within this state of any circular, pamphlet or book containing recipes or prescriptions in **indecent** or **obscene** language for the cure of chronic female complaints or private diseases, or recipes or prescriptions for drops, pills, tinctures, or other compounds designed to prevent conception, or tending to produce miscarriage or abortion is hereby prohibited; and for each copy thereof, so published and sold, containing such prohibited recipes or prescriptions, the publisher and seller shall each be guilty of a misdemeanor.*

While the wording may be a bit dated, this law serves a very valuable public health objective – it prohibits average joe people advertising DIY at-home contraceptive or abortive concoctions. Do we really want to allow unproven and potentially dangerous "powders, pills, tinctures or compounds" being advertised in publications or online in our state? This law in no way limits the conversations doctors can have with their patients, it in no way limits medically accurate publications, and it in no way limits access to any reproductive health information except that which is written in obscene or indecent language which is not typically anything a doctor, scientist, or medical researcher would do.

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Therefore, this law only applies to those potentially dangerous and unproven recipes published by individuals who are not medical providers.

We've been told that prop 3 mandates us to repeal all these old and outdated laws that restrict abortion, however, MCL 750.40 is absolutely constitutional under prop 3 and should remain in place to protect the public– which is what this law does. The law does not prevent doctors from prescribing the abortion pill or any FDA approved contraception, they simply prevent unlicensed people from advertising unapproved drugs for abortion or contraception in the state. Repealing this law has nothing to do with prop 3 and instead the repeal may lead to dangerous situations. I urge you to vote no on SB 2 and retain a common-sense public health law.