



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2022-4

Unavailability of Interstate Extradition

Abortion has been legal in all states and territories of the United States since the U.S. Supreme Court's 1973 decision in *Roe v. Wade*. For nearly 50 years, women have had the right to secure crucial, medically necessary health care—and with that right, the freedom to make decisions about their pregnancies that benefit themselves and their families.

Recently, in *Dobbs v. Jackson Women's Health Organization*, the U.S. Supreme Court overturned *Roe* and held that abortion is not a fundamental right under the U.S. Constitution. A woman's right to health care, and the protection of her bodily autonomy and economic freedom, are now subject to the whims of state legislatures and will be unevenly protected across the United States.

Michigan has a 91-year-old statute on the books that purports to criminalize the provision of abortion except when necessary to save the life of a pregnant woman, without exceptions even for rape or incest. Though it is currently enjoined, the law exemplifies the grave threats women and health-care providers face throughout the United States.

I have brought a lawsuit challenging that law. Whatever the U.S. Supreme Court says about the U.S. Constitution, the Michigan Constitution contains a right to privacy and bodily autonomy that makes the 1931 law invalid. In addition, Michigan's Equal Protection Clause forbids discriminatory laws like the criminal abortion statute, which is premised on outdated sex-based classifications and overbroad generalizations about the role of women in the workforce and in families.

I have also taken executive action to promote access to reproductive health care. In Executive Directive 2022-5, issued on May 25, 2022, I instructed my departments and agencies not to cooperate with or assist the authorities of any state in any investigation or proceeding against an individual for obtaining or providing, or assisting another to obtain or provide, any legal reproductive health care. I also required them to provide information on ways they could increase the protection of reproductive rights in Michigan and make more information about reproductive choice available to Michiganders. As a result, we have

published new guides to give people information about available contraception and family-planning options.

But there is more work to be done. I cannot in good conscience participate in other states' efforts to make it a crime to exercise a fundamental right or to punish health-care providers. A woman's health, not politics, should guide life-changing medical decisions.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. The Office of the Governor will decline to assist with or effectuate the extradition of persons to or from Michigan when the charged criminal conduct is the provision of, receipt of, securing of, or assistance with reproductive health-care services, including abortion.
2. Consistent with the requirements of Article IV, Section 2, Clause 2 of the U.S Constitution, paragraph 1 does not apply when the person who is the subject of the request for arrest or surrender was physically present in the requesting state at the time of the commission of the alleged offense and thereafter fled from that state.

Given under my hand and the Great Seal of the State of Michigan.



Date: July 13, 2022

Time: 8:00 am

GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE

