GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE DIRECTIVE

No. 2026-4

To: State Department Directors and Autonomous Agency Heads
From: Governor Gretchen Whitmer
Date: November 5, 2026
Re: Protecting Reproductive Health Data

In 2022, following the U.S. Supreme Court's decision to overturn *Roe v. Wade*, Michiganders enshrined a right to reproductive freedom in our state constitution, ensuring Michiganders will always have the freedom to make their own choices about reproductive health. While I have taken multiple actions to protect this right, more must be done. As digital systems expand and data is increasingly aggregated, federal and commercial access to reproductive health data is a growing threat and the state of Michigan must do more to ensure that data never lands in the hands of people who might use it against them.

As Governor, I have fought to protect the fundamental right to reproductive freedom. In 2023, I signed the Reproductive Health Act, which repealed politically motivated, medically unnecessary laws that created financial burdens for patients and criminalized providers. That same year I also signed a bill repealing Michigan's draconian 1931 ban on abortion, after I brought a lawsuit that ultimately enjoined enforcing that law before Michigan protected reproductive freedom in our state constitution. I have also signed bills prohibiting employers from discriminating against employees who have an abortion, decriminalizing surrogacy, protecting in-vitro fertilization access, and allowing pharmacists to directly dispense contraceptives to patients.

In addition to strengthening Michigan's laws, I have also taken several executive actions to protect patients and providers. In Executive Directive 2022-5, I instructed my departments and agencies not to cooperate with or assist the authorities of any state that investigates or prosecutes an individual for providing, obtaining, or assisting another person in obtaining reproductive health services. A few months later, in Executive Order 2022-4, I directed my office to refuse to assist in the extradition of any person to or from Michigan for the same purpose. And in ED 2022-13, I directed my departments and agencies to evaluate their policies, enforce constitutional protections, update public information, and refuse cooperation with outside investigations to fully safeguard reproductive freedom in Michigan.

At the same time, the ever-increasing accumulation of data about a person's health – including data about reproductive health – is a threat. Opponents of reproductive freedom can weaponize this data against Michiganders. In 2022, I called on big-tech companies to protect health and location data. But more must be done to ensure that the state is not indirectly providing data to federal or commercial interests.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 8 of article 5 of the Michigan Constitution of 1963 places each principal department under the supervision of the governor.

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

1. Executive departments and agencies must conduct a comprehensive review of all policies, procedures, and practices governing the collection, maintenance, storage, and retention of records and data relating to an individual's reproductive health. For purposes of this directive, "reproductive health" means all matters relating to pregnancy, including, but not limited to, prenatal care, childbirth, postpartum care, contraception, sterilization, abortion care, miscarriage management, and infertility care. Records and data relating to an individual's reproductive health include, but are not limited to, any precise geolocation information derived from an individual's internet-connected device and any existing data-sharing agreements or contracts.

2. Following this review, executive departments and agencies must revise all relevant policies, procedures, and practices to ensure maximum protection for reproductive health data, including restrictions on sharing this data with federal and commercial entities, consistent with the rights recognized under Section 28 of article 1 of the Michigan Constitution of 1963 and other relevant laws. This directive is not intended to conflict with any relevant statutory, grant, audit, or interagency reporting obligation.

3. Within 45 days, departments with relevant data must submit a report to the Executive Office of the Governor summarizing findings, recommended policy changes, and any legislative or technical needs.

This directive is effective immediately.

Thank you for your cooperation in its implementation.



GRETCHEN WHITMER
GOVERNOR