
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1255 Session of
2008

INTRODUCED BY EICHELBERGER, FOLMER, RAFFERTY, ROBBINS, PICCOLA,
BROWNE, WONDERLING, REGOLA, SCARNATI AND ARMSTRONG,
FEBRUARY 14, 2008

REFERRED TO PUBLIC HEALTH AND WELFARE, FEBRUARY 14, 2008

AN ACT

1 Providing for freedom of conscience of health care providers and
2 health care institutions.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Conscientious
7 Objection Act.

8 Section 2. Legislative findings and purpose.

9 (a) Findings.--The General Assembly finds as follows:

10 (1) It is the public policy of the Commonwealth to
11 respect and protect the fundamental right of conscience of
12 individuals who and institutions which provide health care
13 services.

14 (2) Without comprehensive protection, rights of
15 conscience of health care providers or institutions may be
16 violated in various ways, such as harassment, demotion,
17 salary reduction, transfer, termination, loss of staffing

1 privileges, denial of aid or benefits and refusal to license
2 or refusal to certify.

3 (3) It is the purpose of this act to protect the right
4 of all health care providers and institutions to decline to
5 counsel, advise, provide, perform, assist or participate in
6 providing or performing health care services that violate
7 their consciences.

8 (b) Purpose.--It is the purpose of this act to prohibit all
9 forms of discrimination, disqualification, coercion, disability
10 or liability upon such health care providers and institutions
11 that decline to perform any health care service that violates
12 their conscience.

13 Section 3. Definitions.

14 The following words and phrases when used in this act shall
15 have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Conscience." The religious, moral or ethical principles
18 held by a health care provider or a health care institution. A
19 health care institution's religious, moral or ethical principles
20 shall be stated in the institution's mission statement,
21 constitution, bylaws, articles of incorporation, regulations,
22 directives or other relevant documents or guidelines under which
23 it operates.

24 "Health care institution." Any public or private
25 organization, corporation, partnership, sole proprietorship,
26 association, unincorporated association, agency, network, joint
27 venture or other entity that is involved in providing health
28 care services, including, but not limited to, hospitals,
29 clinics, medical centers, ambulatory surgical centers, private
30 physicians' offices, pharmacies, nursing homes, university

1 medical schools and nursing schools, medical training facilities
2 or other institutions or locations wherein health care services
3 are provided to any person.

4 "Health care provider." Any individual who may be asked or
5 assigned to participate in any way in a health care service,
6 including, but not limited to, a physician, physician assistant,
7 nurse, nurses' aide, medical assistant, hospital employee,
8 clinic employee, nursing home employee, pharmacist, pharmacy
9 employee, researcher, medical or nursing school faculty, student
10 or employee, counselor, social worker or any professional or
11 paraprofessional, or any other person who furnishes or assists
12 in the furnishing of health care services.

13 "Health care service." Any phase of patient medical care,
14 treatment or procedure relating to abortion, artificial birth
15 control, artificial insemination, assisted reproduction,
16 emergency contraception, human cloning, human embryonic stem-
17 cell research, fetal experimentation and sterilization and
18 including, but not limited to, patient referral, counseling,
19 therapy, testing, diagnosis, prognosis, research, instruction,
20 prescribing, dispensing or administering any device, drug, or
21 medication, surgery, or any other care or treatment rendered by
22 health care providers or health care institutions.

23 "Participate." To counsel, advise, provide, perform, assist
24 in, refer or admit for purposes of providing, transfer or
25 participate in providing, any health care service or any form of
26 such service.

27 Section 4. Freedom of conscience of health care providers.

28 (a) Freedom of conscience.--A health care provider has the
29 right not to participate, and no health care provider shall be
30 required to participate, in a health care service that violates

1 his or her conscience.

2 (b) Immunity from liability.--There shall be no cause of
3 action against a health care provider for declining to
4 participate in a health care service that violates his or her
5 conscience.

6 (c) Discrimination.--It shall be unlawful for any person,
7 health care provider, health care institution, public service
8 institution, professional organization, public official or any
9 board which certifies competency in medical specialties to
10 discriminate against any health care provider in any manner
11 based on his or her declining to participate in a health care
12 service that violates his or her conscience. This shall include,
13 but is not limited to, termination, transfer or refusal of staff
14 privileges, refusal of board certification, adverse
15 administrative action, demotion, loss of career specialty,
16 reassignment to a different shift, reduction of wages or
17 benefits, refusal to award any grant, contract or other program,
18 refusal to provide residency training opportunities, denial,
19 deprivation, suspension or disqualification with respect to
20 licensure or government certification or any other penalty,
21 disciplinary or retaliatory action.

22 Section 5. Freedom of conscience of health care institutions.

23 (a) Freedom of conscience.--A health care institution has
24 the right not to participate, and no health care institution
25 shall be required to participate, in a health care service that
26 violates its conscience.

27 (b) Immunity from liability.--There shall be no cause of
28 action against a health care institution for declining to
29 participate in a health care service that violates its
30 conscience if the institution has a notice clearly posted

1 stating it reserves the right to decline to provide or
2 participate in health care services that violate its conscience.
3 A health care institution that declines to provide or
4 participate in a health care service that violates its
5 conscience shall not be civilly, criminally or administratively
6 liable.

7 (c) Discrimination.--It shall be unlawful for any person,
8 public or private institution or public official to discriminate
9 against any health care institution, or any person, association,
10 corporation or other entity attempting to establish a new health
11 care institution or operating an existing health care
12 institution, in any manner, including, but not limited to, any
13 denial, deprivation or disqualification with respect to
14 licensure, any aid assistance, benefit or privilege, including
15 staff privileges, or any authorization, including authorization
16 to create, expand, improve, acquire, affiliate or merge with any
17 health care institution, because such health care institution,
18 or person, association or corporation planning, proposing or
19 operating a health care institution, declines to participate in
20 a health care service which violates the health care
21 institution's conscience.

22 (d) Denial of aid or benefit.--It shall be unlawful for any
23 public official, agency, institution or entity to deny any
24 payments, reimbursements for services or any form of aid,
25 assistance, funding, grants or benefits or in any other manner
26 to coerce, disqualify or discriminate against any person,
27 association, corporation or other entity attempting to establish
28 a new health care institution or operating an existing health
29 care institution because the existing or proposed health care
30 institution declines to participate in a health care service

1 contrary to the health care institution's conscience.

2 Section 6. Effect on informed consent requirements.

3 Nothing in this act shall exempt a health care provider or
4 health care institution from complying with informed consent
5 requirements mandated by statute regarding the provision of a
6 health care service.

7 Section 7. Severability.

8 The provisions of this act are declared to be severable, and
9 if any provision, word, phrase or clause of this act or the
10 application thereof to any person shall be held invalid, such
11 invalidity shall not affect the validity of the remaining
12 portions of this act.

13 Section 20. Effective date.

14 This act shall take effect in 60 days.