
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 383 Session of
2013

INTRODUCED BY COX, AUMENT, BAKER, BENNINGHOFF, BLOOM, BROOKS,
CLYMER, DUNBAR, GABLER, GILLEN, C. HARRIS, HENNESSEY,
HICKERNELL, KAUFFMAN, KNOWLES, KORTZ, LAWRENCE, METCALFE,
OBERLANDER, RAPP, READSHAW, ROCK, SACCONI, SAYLOR, SIMMONS,
SWANGER, TALLMAN AND CUTLER, JANUARY 29, 2013

REFERRED TO COMMITTEE ON HEALTH, JANUARY 29, 2013

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 Freedom of
7 Conscience in Health Care Services 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,

1 salary reduction, transfer, termination, loss of staffing
2 privileges, denial of aid or benefits and refusal to license
3 or refusal to certify.

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

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

14 Section 3. Definitions.

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

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

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

1 physicians' offices, pharmacies, nursing homes, university
2 medical schools and nursing schools, medical training facilities
3 or other institutions or locations wherein health care services
4 are provided to any person.

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

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

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

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

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

1 required to participate, in a health care service that violates
2 his or her conscience.

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

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

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

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

29 (b) Immunity from liability.--

30 (1) There shall be no cause of action against a health

1 care institution for declining to participate in a health
2 care service that violates its conscience if the institution
3 has a notice clearly posted stating it reserves the right to
4 decline to provide or participate in health care services
5 that violate its conscience.

6 (2) A health care institution that declines to provide
7 or participate in a health care service that violates its
8 conscience shall not be civilly, criminally or
9 administratively liable.

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

25 (d) Denial of aid or benefit.--It shall be unlawful for any
26 public official, agency, institution or entity to deny any
27 payments, reimbursements for services or any form of aid,
28 assistance, funding, grants or benefits or in any other manner
29 to coerce, disqualify or discriminate against any person,
30 association, corporation or other entity attempting to establish

1 a new health care institution or operating an existing health
2 care institution because the existing or proposed health care
3 institution declines to participate in a health care service
4 contrary to the health care institution's conscience.

5 Section 6. Effect on informed consent requirements.

6 Nothing in this act shall be construed to exempt a health
7 care provider or health care institution from complying with
8 informed consent requirements mandated by statute regarding the
9 provision of a health care service.

10 Section 7. Severability.

11 The provisions of this act are severable. If any provision of
12 this act or its application to any person or circumstance is
13 held invalid, the invalidity shall not affect other provisions
14 or applications of this act which can be given effect without
15 the invalid provision or application.

16 Section 8. Effective date.

17 This act shall take effect in 60 days.