
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 276 Session of
2013

INTRODUCED BY EICHELBERGER, VOGEL, MENSCH, ALLOWAY, BROWNE,
VULAKOVICH, FOLMER, RAFFERTY, HUTCHINSON, ERICKSON, WHITE AND
SCARNATI, FEBRUARY 26, 2013

REFERRED TO PUBLIC HEALTH AND WELFARE, FEBRUARY 26, 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 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, as a basic
4 civil right, the right of all health care providers and
5 institutions to decline to counsel, advise, provide, perform,
6 assist or participate in providing or performing health care
7 services that violate 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." A public or private organization,
25 corporation, partnership, sole proprietorship, association,
26 unincorporated association, agency, network, joint venture or
27 other entity that is involved in providing health care services,
28 including, but not limited to, hospitals, clinics, medical
29 centers, ambulatory surgical centers, private physicians'
30 offices, pharmacies, nursing homes, university medical schools

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

4 "Health care provider." An 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 a 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, a health care service or a 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 may be
30 required to participate, in a health care service that violates

1 the health care provider's 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 the health
5 care provider's conscience. A health care provider that declines
6 to provide or participate in a health care service that violates
7 the health care provider's conscience may not be civilly,
8 criminally, professionally or administratively liable.

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

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

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

1 (b) Immunity from liability.--There shall be no cause of
2 action against a health care institution for declining to
3 participate in a health care service that violates its
4 conscience if the institution has a notice clearly posted
5 stating it reserves the right to decline to provide or
6 participate in health care services that violate its conscience.
7 A health care institution that declines to provide or
8 participate in a health care service that violates its
9 conscience may not be civilly, criminally or administratively
10 liable.

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

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

1 association, corporation or other entity attempting to establish
2 a new health care institution or operating an existing health
3 care institution because the existing or proposed health care
4 institution declines to participate in a health care service
5 contrary to the health care institution's conscience.

6 Section 6. Effect on informed consent requirements.

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

11 Section 7. Severability.

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

17 Section 8. Effective date.

18 This act shall take effect in 60 days.