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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 24 Session of  
2017

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INTRODUCED BY EICHELBERGER, VULAKOVICH, FOLMER, SCARNATI,  
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JANUARY 12, 2017

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REFERRED TO HEALTH AND HUMAN SERVICES, JANUARY 12, 2017

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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 that 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 health care providers and institutions that  
11 decline to perform any health care service that violates their  
12 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 where health care services are  
3 provided.

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:

- 15 (1) abortion;
- 16 (2) artificial birth control;
- 17 (3) artificial insemination;
- 18 (4) assisted reproduction;
- 19 (5) emergency contraception;
- 20 (6) human cloning;
- 21 (7) human embryonic stem-cell research;
- 22 (8) fetal experimentation; and
- 23 (9) sterilization.

24 This term includes, but is not limited to, patient referral,  
25 counseling, therapy, testing, diagnosis, prognosis, research,  
26 instruction, surgery, prescribing, dispensing or administering a  
27 device, drug or medication or any other care or treatment  
28 rendered by a health care provider or health care institution.

29 "Participate." To counsel, advise, provide, perform, assist  
30 in, refer, admit or transfer for purposes of providing a health

1 care service.

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

3 (a) Freedom of conscience.--A health care provider has the  
4 right not to participate, and no health care provider may be  
5 required to participate, in a health care service that violates  
6 the health care provider's conscience.

7 (b) Immunity from liability.--There shall be no cause of  
8 action against a health care provider for declining to  
9 participate in a health care service that violates the health  
10 care provider's conscience. A health care provider that declines  
11 to provide or participate in a health care service that violates  
12 the health care provider's conscience may not be civilly,  
13 criminally, professionally or administratively liable.

14 (c) Discrimination.--It shall be unlawful for a person,  
15 health care provider, health care institution, public service  
16 institution, professional organization, public official or board  
17 that certifies competency in medical specialties to discriminate  
18 against a health care provider in any manner based on the health  
19 care provider declining to participate in a health care service  
20 that violates the health care provider's conscience. Types of  
21 discrimination include, but are not limited to:

- 22 (1) termination;
- 23 (2) transfer or refusal of staff privileges;
- 24 (3) refusal of board certification;
- 25 (4) adverse administrative action;
- 26 (5) demotion;
- 27 (6) loss of career specialty;
- 28 (7) reassignment to a different shift;
- 29 (8) reduction of wages or benefits;
- 30 (9) refusal to award a grant, contract or other program;

1 (10) refusal to provide residency training

2 opportunities;

3 (11) denial, deprivation, suspension or disqualification  
4 with respect to licensure or government certification; or

5 (12) any other penalty, disciplinary or retaliatory  
6 action.

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

8 (a) Freedom of conscience.--A health care institution has  
9 the right not to participate, and no health care institution may  
10 be required to participate, in a health care service that  
11 violates its conscience.

12 (b) Immunity from liability.--There shall be no cause of  
13 action against a health care institution for declining to  
14 participate in a health care service that violates its  
15 conscience if the institution has a notice clearly posted  
16 stating it reserves the right to decline to provide or  
17 participate in health care services that violate its conscience.  
18 A health care institution that declines to provide or  
19 participate in a health care service that violates its  
20 conscience may not be civilly, criminally or administratively  
21 liable.

22 (c) Discrimination.--It shall be unlawful for a person,  
23 public or private institution or public official to discriminate  
24 against a health care institution, or a person, association,  
25 corporation or other entity attempting to establish a new health  
26 care institution or operating an existing health care  
27 institution, in any manner, including, but not limited to, any  
28 denial, deprivation or disqualification with respect to  
29 licensure, any aid assistance, benefit or privilege, including  
30 staff privileges, or any authorization, including authorization

1 to create, expand, improve, acquire, affiliate or merge with a  
2 health care institution, because the health care institution, or  
3 person, association or corporation planning, proposing or  
4 operating a health care institution, declines to participate in  
5 a health care service that violates the health care  
6 institution's conscience.

7 (d) Denial of aid or benefit.--It shall be unlawful for a  
8 public official, agency, institution or entity to deny any  
9 payments, reimbursements for services or any form of aid,  
10 assistance, funding, grants or benefits or in any other manner  
11 to coerce, disqualify or discriminate against a person,  
12 association, corporation or other entity attempting to establish  
13 a new health care institution or operating an existing health  
14 care institution because the existing or proposed health care  
15 institution declines to participate in a health care service  
16 contrary to the health care institution's conscience.

17 Section 6. Effect on informed consent requirements.

18 Nothing in this act may be construed to exempt a health care  
19 provider or health care institution from complying with informed  
20 consent requirements mandated by statute regarding the provision  
21 of a health care service.

22 Section 7. Severability.

23 The provisions of this act are declared to be severable, and  
24 if any provision, word, phrase or clause of this act or the  
25 application thereof to any person shall be held invalid, such  
26 invalidity shall not affect the validity of the remaining  
27 portions of this act.

28 Section 8. Effective date.

29 This act shall take effect in 60 days.