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

Section 1. Short title.

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

Section 2. Legislative findings and purpose.

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

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

(2) Without comprehensive protection, rights of conscience of health care providers or institutions may be violated in various ways, such as harassment, demotion, salary reduction, transfer, termination, loss of staffing
privileges, denial of aid or benefits and refusal to license or refusal to certify.

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

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

Section 3. Definitions.

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

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

"Health care institution." A public or private organization, corporation, partnership, sole proprietorship, association, unincorporated association, agency, network, joint venture or other entity that is involved in providing health care services, including, but not limited to, hospitals, clinics, medical centers, ambulatory surgical centers, private physicians' offices, pharmacies, nursing homes, university medical schools
and nursing schools, medical training facilities or other institutions or locations wherein health care services are provided to any person.

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

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

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

Section 4. Freedom of conscience of health care providers.

(a) Freedom of conscience.--A health care provider has the right not to participate, and no health care provider may be required to participate, in a health care service that violates
the health care provider's conscience.
(b) Immunity from liability.--There shall be no cause of action against a health care provider for declining to participate in a health care service that violates the health care provider's conscience. A health care provider that declines to provide or participate in a health care service that violates the health care provider's conscience may not be civilly, criminally, professionally or administratively liable.
(c) Discrimination.--It shall be unlawful for a person, health care provider, health care institution, public service institution, professional organization, public official or board that certifies competency in medical specialties to discriminate against a health care provider in any manner based on the health care provider's declining to participate in a health care service that violates the health care provider's conscience. Types of discrimination include, but are not limited to, termination, transfer or refusal of staff privileges, refusal of board certification, adverse administrative action, demotion, loss of career specialty, reassignment to a different shift, reduction of wages or benefits, refusal to award a grant, contract or other program, refusal to provide residency training opportunities, denial, deprivation, suspension or disqualification with respect to licensure or government certification or any other penalty, disciplinary or retaliatory action.
Section 5. Freedom of conscience of health care institutions.
(a) Freedom of conscience.--A health care institution has the right not to participate, and no health care institution may be required to participate, in a health care service that violates its conscience.
(b) Immunity from liability.--There shall be no cause of action against a health care institution for declining to participate in a health care service that violates its conscience if the institution has a notice clearly posted stating it reserves the right to decline to provide or participate in health care services that violate its conscience. A health care institution that declines to provide or participate in a health care service that violates its conscience may not be civilly, criminally or administratively liable.

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

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

Section 6. Effect on informed consent requirements.

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

Section 7. Severability.

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

Section 8. Effective date.

This act shall take effect in 60 days.