

HCS HB 1539 -- HEALTH CARE RIGHTS OF CONSCIENCE ACT

SPONSOR: Phillips (Stevenson)

COMMITTEE ACTION: Voted "do pass" by the Committee on Children and Families by a vote of 6 to 4.

This substitute establishes the Health Care Rights of Conscience Act to protect the religious, moral, or ethical principles held by a health care provider, health care institution, or health care payer. The substitute:

- (1) Specifies a health care provider is not required to participate in a health care service that violates his or her conscience. Any individual declining to participate in a service will not be civilly, criminally, or administratively liable and will not be discriminated against in any manner for refusing to participate;
- (2) Specifies that a health care institution is not required to participate in a health care service that violates its conscience. Any health care institution that declines to provide or participate in a service will not be held civilly, criminally, or administratively liable if the patient signs a consent form before admission that he or she has been notified of the institution's right;
- (3) Specifies that any person, employer, health care institution, association, corporation, or other entity attempting to establish a new health care institution or operating an existing institution will not be discriminated against for declining to participate in a service which violates the institution's policy or policies;
- (4) Specifies that no public official, agency, institution, or entity will deny aid or assistance because the institution has declined to participate in a health care service contrary to its policy or policies;
- (5) Specifies that a health care payer will not be required to pay for or arrange for the payment of any health care service or product that violates the payer's policy or policies;
- (6) Specifies that no person, association, corporation, health care payer, or other entity that owns, operates, supervises, or manages a health care payer will be held civilly, criminally, or administratively liable for declining to pay for or arrange for the payment of any health care service that violates the payer's policy or policies;

(7) Specifies that no person, public or private institution, or public official will discriminate against any health care payer or any person, association, corporation, or other entity attempting to establish a new health care payer or operating an existing health care payer in any manner for declining to pay for or arrange for the payment of any health care service that violates the payer's policy or policies;

(8) Specifies that no public official, agency, institution, or entity will deny aid or assistance because the health care payer declines to pay for or arrange for the payment of any service that violates the payer's policy or policies; and

(9) Allows any individual, association, corporation, entity, or health care institution to sue for damages and injunctive relief.

FISCAL NOTE: No impact on General Revenue Fund in FY 2007, FY 2008, and FY 2009. Estimated Cost on Other State Funds of Unknown less than \$100,000 in FY 2007, FY 2008, and FY 2009.

PROPONENTS: Supporters say the bill protects the conscience rights of those affiliated with health care. In many circumstances, an individual's faith and ethics may get overridden by an employer who is trying to avoid a lawsuit. Although the bill limits the authority of an employer to fire an employee, it does not prevent an employer from hiring an employee of his or her choice.

Testifying for the bill were Representative Stevenson; Americans United for Life; Missouri Eagle Forum; Campaign Life Missouri; Missouri Right to Life; Missouri Family Network; Missouri Baptist Convention, Christian Life Commission; Missouri Catholic Conference; Heather Williams; and Marie Mattox.

OPPONENTS: Those who oppose the bill say that access to health care and services should be available to all Missourians, regardless of the religious or moral policies of institutions, insurance companies, employers, and/or their employees. The bill seems to violate the Missouri Constitution and Missouri's employment at-will law by allowing an employer to transfer an employee to a different position within the company. It also limits the ability of an employer to fire an employee.

Testifying against the bill were Missouri Religious Coalition for Reproductive Choice; NARAL Pro-Choice Missouri; and Planned Parenthood of the St. Louis Region.

Dominic Lackey, Legislative Analyst