

Senate File 297 - Introduced

SENATE FILE 297

BY J. TAYLOR

A BILL FOR

1 An Act relating to the protection of religious beliefs and
2 moral convictions of health care providers and health care
3 facilities.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 146.1, Code 2023, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **146.1 Protection of religious beliefs and moral convictions**
4 **of health care providers and health care facilities.**

5 1. For the purposes of this section:

6 *a. "Health care facility" or "facility" means a public*
7 *or private hospital, clinic, center, medical school, medical*
8 *training institution, health care business, physician office,*
9 *infirmary, dispensary, ambulatory surgical center, or other*
10 *institution or location or business wherein medical care or*
11 *pharmaceuticals are provided to any person.*

12 *b. "Health care provider" means a person who is licensed,*
13 *certified, or otherwise authorized or permitted by the law of*
14 *this state to administer health care in the ordinary course of*
15 *business or in the practice of a profession.*

16 *c. "Person" means the same as defined in section 4.1.*

17 *d. "Religious beliefs and moral convictions" means the*
18 *religious, moral, ethical, or philosophical beliefs or*
19 *principles held by a person. If the person is other than an*
20 *individual, "religious beliefs and moral convictions" means*
21 *religious beliefs and moral convictions as determined by*
22 *reference to that person's governing documents, including but*
23 *not limited to any published religious, moral, ethical, or*
24 *philosophical guidelines or directives; mission statements;*
25 *constitutions; articles of incorporation; bylaws; policies; or*
26 *regulations.*

27 2. It is the public policy of the state to protect the
28 religious beliefs and moral convictions of health care
29 providers as a necessary prerequisite to health care providers
30 acting in good faith to fulfill their professional obligation
31 to do no harm.

32 3. A health care provider who may lawfully perform,
33 assist, or participate in, or provide a referral for, any
34 medical procedure, surgery, treatment, counseling, or
35 prescribing in this state, regardless of whether the health

1 care provider's place of employment is private or public, has
2 the right to refuse to perform, assist, or participate in,
3 or provide a referral for the medical procedure, surgery,
4 treatment, counseling, or prescribing, if to do so would
5 violate that health care provider's religious beliefs and
6 moral convictions. A person shall not discriminate against
7 any health care provider in any way, including but not limited
8 to employment, promotion, advancement, transfer, licensing,
9 education, training, or the granting of hospital privileges
10 or staff appointments, because of the health care provider's
11 performance, assistance, participation in, or provision of a
12 referral for, or refusal to perform, assist, participate in,
13 or provide a referral for, any medical procedure, treatment,
14 counseling, prescribing, or surgery due to the person's
15 religious beliefs and moral convictions.

16 4. *a.* A health care facility that is not controlled,
17 maintained, and supported by a public authority shall not
18 be required to provide a referral for or permit any medical
19 procedure, surgery, treatment, counseling, or prescribing if to
20 do so would violate the facility's religious beliefs and moral
21 convictions.

22 *b.* This section shall not be construed to require a facility
23 to accept a patient for any procedure, surgery, treatment,
24 counseling, or prescribing that would violate the facility's
25 religious beliefs and moral convictions.

26 *c.* The refusal to provide a referral for or permit a medical
27 procedure, surgery, treatment, counseling, or prescribing
28 that would violate the facility's religious beliefs and moral
29 convictions shall not be grounds for civil liability nor a
30 basis for any disciplinary or other recriminatory action
31 against a health care provider or a health care facility.

32 5. This section shall not be construed to allow any person
33 to deny visitation, to deny recognition of a designated
34 representative for health care decision making, or to deny
35 emergency medical examination or treatment as required by law

1 pursuant to the Emergency Medical Treatment and Active Labor
2 Act, 42 U.S.C. §1395dd.

3 6. A civil action for damages, injunctive relief, or any
4 other appropriate relief may be brought by any health care
5 provider or health care facility protected by this section for
6 a violation of this section. This section may be used as a
7 defense in any action related to or arising out of the exercise
8 of rights protected under this section.

9 7. If any provision of this section or its application to
10 any person or circumstance is held invalid, the invalidity does
11 not affect other provisions or applications of this section
12 which can be given effect without the invalid provision or
13 application, and to this end the provisions of this section are
14 severable.

15 Sec. 2. Section 146D.1, subsection 4, paragraph a, Code
16 2023, is amended to read as follows:

17 a. *“Abortion”* means ~~as defined in [section 146.1](#)~~ the
18 termination of a human pregnancy with the intent other than to
19 produce a live birth or to remove a dead fetus. Abortion does
20 not include medical care which has as its primary purpose the
21 treatment of a serious physical condition requiring emergency
22 medical treatment necessary to save the life of a mother.

23 Sec. 3. Section 707.8A, subsection 1, paragraph a, Code
24 2023, is amended to read as follows:

25 a. *“Abortion”* means ~~abortion as defined in [section 146.1](#)~~ the
26 termination of a human pregnancy with the intent other than to
27 produce a live birth or to remove a dead fetus. Abortion does
28 not include medical care which has as its primary purpose the
29 treatment of a serious physical condition requiring emergency
30 medical treatment necessary to save the life of a mother.

31 Sec. 4. REPEAL. Section 146.2, Code 2023, is repealed.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation’s substance by the members of the general assembly.

35 This bill relates to the protection of religious beliefs

1 and moral convictions of health care providers and health care
2 facilities.

3 The bill replaces Code section 146.1 (liability of persons
4 relating to performance of abortions) with a new Code section
5 146.1 (protection of religious beliefs and moral convictions of
6 health care providers and health care facilities).

7 The bill provides definitions for the purposes of the new
8 Code section, including "health care facility" or "facility",
9 "health care provider", "person", and "religious beliefs and
10 moral convictions".

11 The bill provides that it is the public policy of the
12 state to protect the religious beliefs and moral convictions
13 of health care providers as a necessary prerequisite to
14 health care providers acting in good faith to fulfill their
15 professional obligation to do no harm.

16 The bill provides that a health care provider who may
17 lawfully perform, assist, participate in, or provide a referral
18 for, any medical procedure, surgery, treatment, counseling, or
19 prescribing in this state, regardless of whether the health
20 care provider's place of employment is private or public,
21 has the right to refuse to perform, assist, or participate
22 in, or provide a referral for, the medical procedure,
23 surgery, treatment, counseling, or prescribing, if to do so
24 would violate that health care provider's religious beliefs
25 and moral convictions. The bill prohibits a person from
26 discriminating against any health care provider in any way
27 because of the health care provider's performance, assistance,
28 or participation in, or provision of a referral for, or refusal
29 to perform, assist, or participate in, or provide a referral
30 for, any medical procedure, treatment, counseling, prescribing,
31 or surgery due to the person's religious beliefs and moral
32 convictions.

33 Under the bill, a health care facility that is not
34 controlled, maintained, and supported by a public authority
35 shall not be required to provide a referral for or permit

1 any medical procedure, surgery, treatment, counseling, or
2 prescribing if to do so would violate the facility's religious
3 beliefs and moral convictions. The bill is not to be construed
4 to require a facility to accept a patient for any procedure,
5 surgery, treatment, counseling, or prescribing that would
6 violate the facility's religious beliefs and moral convictions.
7 The refusal to provide a referral for or permit a medical
8 procedure, surgery, treatment, counseling, or prescribing
9 that would violate the facility's religious beliefs and moral
10 convictions shall not be grounds for civil liability nor a
11 basis for any disciplinary or other recriminatory action
12 against a health care provider or a health care facility.

13 The bill is not to be construed to allow any person to deny
14 visitation, to deny recognition of a designated representative
15 for health care decision making, or to deny emergency medical
16 examination or treatment as required by the federal Emergency
17 Medical Treatment and Active Labor Act.

18 A health care provider or health care facility may bring
19 a civil action for damages, injunctive relief, or any other
20 appropriate relief for a violation of the bill. The bill may
21 be used as a defense in any action related to or arising out of
22 the exercise of rights protected under the bill.

23 The bill includes a severability clause and makes other
24 conforming changes in the Code to harmonize the provisions of
25 the bill.