

Senate File 180 - Introduced

SENATE FILE 180
BY ALONS

A BILL FOR

- 1 An Act relating to the right to refuse certain medical services
- 2 for reasons of conscience.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **139A.27 Medical service refusal —**
2 **reasons of conscience.**

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. "*Medical service*" means a biologic, vaccine, drug,
6 pharmaceutical, medical device, gene therapy, DNA-based product,
7 or RNA-based product.

8 b. "*Political subdivision*" means the same as defined in
9 section 145A.2.

10 c. "*Public official*" means an officer, employee, or duly
11 authorized agent or representative or a state agency or political
12 subdivision, agency, board, commission, office, department,
13 institution, division, bureau, or other entity of state
14 government.

15 2. If a medical service has been declared a countermeasure
16 under the federal Public Readiness and Emergency Preparedness
17 Act, as amended, or the United States food and drug
18 administration has issued an emergency use authorization for
19 a medical service, an individual, for reasons of conscience
20 including but not limited to religious convictions, may refuse
21 the medical service.

22 3. If an individual refuses a medical service pursuant to
23 subsection 2, a business, employer, health care provider, person,
24 political subdivision, public official, or other entity shall not
25 do the following:

26 a. Deny an individual employment or terminate the
27 individual's employment.

28 b. Deny the individual a service, including a public service.

29 c. Deny the individual access to commerce.

30 d. Segregate the individual.

31 e. Penalize the individual or use financial coercion against
32 the individual.

33 f. Discriminate against the individual, including imposing a
34 requirement or burden.

35 4. If a business, employer, health care provider, person,

1 political subdivision, public official, or other entity violates
2 subsection 3, an individual who is negatively affected by the
3 violation may bring a civil action for injunctive relief,
4 declaratory judgment, and damages against the entity. In a
5 petition for injunctive relief or declaratory judgment, the
6 court may award reasonable attorney fees and court costs. In
7 a civil action for damages, the court may award court costs,
8 reasonable attorney fees, and treble damages or two hundred
9 dollars, whichever is greater.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

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This bill relates to an individual's right to refuse medical
14 services for reasons of conscience.

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The bill provides that if a medical service is declared
16 a countermeasure under the federal Public Readiness and
17 Emergency Preparedness Act, or the United States food and drug
18 administration issues an emergency use authorization for a
19 medical service, an individual may refuse the medical service for
20 reasons of conscience, including religious convictions. If an
21 individual refuses a medical service, then an entity as described
22 in the bill is prohibited from taking certain actions relating
23 to employment, receipt of services and commerce, segregation,
24 penalties, financial coercion, and discrimination. If an entity
25 violates the bill, an individual negatively affected by the
26 violation may bring a civil action against the entity for
27 injunctive relief, declaratory judgment, and damages. The bill
28 provides for the types of relief a court may award an individual.