

Senate File 118 - Introduced

SENATE FILE 118

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A BILL FOR

1 An Act establishing religious conscience protections for
2 employers regarding the provision of health insurance
3 or benefit coverages that include abortion and certain
4 contraceptive services.

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

1 Section 1. NEW SECTION. 91F.1 Employer religious conscience
2 protections — certain health benefit coverages.

3 1. As used in this chapter:

4 a. "Employee" means a natural person who is employed in this
5 state for wages paid on an hourly basis by an employer.

6 b. "Employer" means a person, as defined in section 4.1, who
7 in this state employs for wages one or more natural persons.

8 "Employer" includes an employer's governing authority or
9 natural persons controlling the employer's business activities.

10 "Employer" does not include a client, patient, customer, or
11 other person who obtains professional services from a licensed
12 person who provides the services on a fee service basis or
13 as an independent contractor, or the state, or an agency or
14 governmental subdivision of the state.

15 2. An employer shall not be required in this state under the
16 federal Patient Protection and Affordable Care Act, codified in
17 part at 42 U.S.C. §300gg-13(a)(1)-(4), to provide abortion or
18 certain contraceptive health insurance or benefit coverages for
19 employees or employees' dependents if doing so would cause the
20 employer to violate a sincerely held religious belief to which
21 the employer subscribes.

22 3. Refusal to provide the specific health insurance or
23 benefit coverages described in subsection 2 shall not result in
24 either of the following:

25 a. Creation of any civil claim or cause of action or any
26 criminal charge against an employer acting in accordance with
27 this section.

28 b. An adverse action by the state or a political
29 subdivision, under any law of the state or a political
30 subdivision, to penalize or withhold benefits from an employer
31 acting in accordance with this section including but not
32 limited to tax exemptions or deductions; or government
33 contracts, grants, agreements, loans, certifications,
34 accreditations, employment or licenses, or similar position or
35 status.

1 4. An employer may assert a violation of this section
2 as a claim or defense in a judicial proceeding and obtain
3 compensatory damages, injunctive relief, declaratory relief, or
4 any other appropriate relief, court costs, and attorney fees.

5 5. A county attorney or the attorney general may bring an
6 action for injunctive or declaratory relief to enforce this
7 section.

8 6. This section shall not be construed to deny or affect any
9 right or authority of the attorney general or of any agency,
10 agent, officer, or employee of the state to institute or
11 intervene in any proceeding relating to this section.

12 7. This section is intended to further the compelling
13 governmental interest of protecting the free exercise of
14 religion under Article I, sections 3 and 4 of the Constitution
15 of the State of Iowa, and the first amendment to the
16 Constitution of the United States, and shall be liberally
17 construed to effectuate this intent.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill provides religious conscience protections
22 for employers regarding the provision of health insurance
23 or benefit coverages that include abortion and certain
24 contraceptive services.

25 The bill provides that an employer shall not be required to
26 provide abortion or certain contraceptive health insurance or
27 benefit coverages for employees or employees' dependents if
28 doing so would cause the employer to violate a sincerely held
29 religious belief to which the employer subscribes. The bill
30 defines "employer" to include an employer's governing authority
31 or natural persons controlling the employer's business
32 activities.

33 The bill provides that refusal to provide such health
34 insurance or benefit coverages if in accordance with the bill,
35 shall not result in creation of any civil claim or cause of

1 action or any criminal charge against an employer acting in
2 accordance with the bill; or an adverse action by the state
3 or a political subdivision, under any law of the state or a
4 political subdivision, to penalize or withhold benefits from
5 an employer acting in accordance with the bill including but
6 not limited to tax exemptions or deductions; or government
7 contracts, grants, agreements, loans, certifications,
8 accreditations, employment or licenses, or similar position or
9 status.

10 An individual or entity may assert a violation of the
11 bill as a claim or defense in a judicial proceeding and
12 obtain compensatory damages, injunctive relief, declaratory
13 relief, or any other appropriate relief, court costs, and
14 attorney fees. The bill provides that a county attorney or
15 the attorney general may bring an action for injunctive or
16 declaratory relief to enforce the bill and nothing in the bill
17 is to be construed to deny or affect any right or authority
18 of the attorney general, or any agency, agent, officer,
19 or employee of the state to institute or intervene in any
20 proceeding. The bill provides that it is intended to further
21 the compelling governmental interest of protecting the free
22 exercise of religion under Article I, sections 3 and 4 of the
23 Constitution of the State of Iowa, and the first amendment to
24 the Constitution of the United States, and is to be liberally
25 construed to effectuate this intent.