

COMMENTS BY PLANNED PARENTHOOD PENNSYLVANIA ADVOCATES

SUBMITTED TO

SENATE PUBLIC HEALTH & WELFARE COMMITTEE

HEARING ON SENATE BILL 1255

HARRISBURG

OCTOBER 14, 2008

Thank you for inviting Planned Parenthood Pennsylvania Advocates (PPPA) to formally submit our position on SB 1255. Founded in 1982, PPPA, is a 501 (c) (4) organization representing the public policy interests of the six Planned Parenthood affiliates operating in the Commonwealth. Together, those affiliates serves more than 147,000 women and men each year in 46 health centers, and are supported by over 150,000 Planned Parenthood members in Pennsylvania alone.

Planned Parenthood Pennsylvania Advocates opposes SB 1255, also known as the *Conscientious Objection Act*. PPPA supports individual religious protections, so long as patient access to healthcare is paramount and guaranteed by the institution. If enacted, the proposed law will be a dangerous and unnecessary expansion of conscience exceptions for health care providers and, therefore, have a major new impact on the accessibility of a wide range of services related to reproductive health issues – including birth control. SB 1255 would obstruct an individual's access to medical services by permitting an expanded list – including any employee of any health care provider, payers, or institution – to refuse to provide “a health service that violates his or her conscience,” and expanding the definition of health service to include birth control

➤ **SB 1255 is a major, unnecessary and potentially harmful expansion of conscience exception.**

- FDA approved forms of birth control (including emergency contraception) are included as a “health care service” in the bill that any associated employee/ “health care provider” of any health care institution may object to and thus refuse to carry out their job function.
- Access to safe, effective contraception is a cornerstone of many Pennsylvania women's regular health care. Expanding conscience exceptions to include birth control is unprecedented in Pennsylvania and opens the door for further government interference into private medical health care decisions.

- An individual's right to choose not to participate in a procedure she is opposed to is currently protected under the Civil Rights Act. Title VII of that act requires an employer to accommodate employees' refusals to provide any health care service on the basis of their religious beliefs and carefully weighs the sometimes competing interests of employee conscience, employer obligation and patient need.
- Furthermore, the Pennsylvania Human Relations Act prohibits discrimination against individual and institutional health care providers or their employees for their willingness or refusal to perform, permit to be performed, participate in, or cooperate in, abortion or sterilization procedures due to moral, religious or professional objections; the Pennsylvania Abortion Control Act includes a right of conscience section that explicitly provides "... right of conscience of all persons who refuse to obtain, receive, subsidize, accept or provide abortions including those persons who are engaged in the delivery of medical services and medical care whether acting individually, corporately or in association with other persons; and to prohibit all forms of discrimination, disqualification, coercion ... by reason of their refusing to act contrary to their conscience or conscientious convictions in refusing to obtain, receive, subsidize, accept or provide abortions."

➤ **SB 1255 contains no patient protections.**

- The proposed law contains no provision requiring the healthcare provider or institution to ensure patient access to care. The patient's health and own personal moral persuasion are not considered or accommodated in any way.
- Healthcare providers, especially those who serve the public and receive government funding, have an obligation to ensure a patient has access to the procedure in question, even in emergency situations. SB1255 makes no attempt to balance patient access with conscience exemptions.

➤ **The real-life ramifications of this conscience expansion are serious and wide-ranging.**

- A sexually active, unmarried woman leaves her doctor's office without any information about the availability and importance of birth control because the attending practitioner disapproves of pre-marital sex.
- A gay man may not be given a referral for HIV testing because of a nurse's opposition to homosexuality.

- A new mother with severe health complications precluding additional births may by refused the sterilization services she requested to prevent further pregnancy.
- **The lack of definition of abortion is problematic and confusing for the health care professionals who must interpret the proposed law.**
  - The lack of definition leaves the door open for non-medical or political interpretation and question the application of current law.
  - Any reference to abortion should incorporate by reference the established definition in the Abortion Control Act. The potential for multiple definitions or understandings of what constitutes abortion will be a serious problem that is easily avoided since the Act was the product of extensive stakeholder input and legislative action.

The delivery of services for family planning and reproductive health care in Pennsylvania are already more than adequately regulated at the state and federal level and further regulation is both unnecessary and will deny opportunity to citizens to obtain the health and medical care that they need. We urge you to oppose SB1255 because it is a harmful and unnecessary expansion of existing conscience exemptions and would reduce access to health care in the Commonwealth.