



Senate Public Health and Welfare Committee

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BILL ANALYSIS **SENATE BILL 1255**

Bill Analysis – Senate Bill 1255, Printer's Number 1777

Sponsor – Senator John Eichelberger

Synopsis – Senate Bill 1255, the Conscientious Objection Act, would protect the right of all health care providers and health care institutions to decline to counsel, advise, provide, perform, assist, or participate in providing or performing health care services that violate their consciences.

Summary – Under the provisions of Senate Bill 1255, all forms of discrimination, disqualification, coercion, disability or liability upon health care providers and institutions that decline to perform any health care service that violates their conscience is prohibited.

“Conscience” is defined by Senate Bill 1255 as “the religious, moral or ethical principles held by a health care provider or health care institution.” The legislation requires these principles to be stated in the institution’s operating documents or guidelines.

The act would apply to any entity involved in providing health care services, including hospitals, clinics, medical centers, ambulatory surgical centers, private physician offices, pharmacies, nursing homes, university medical and nursing schools, medical training facilities, and other institutions or locations wherein health care services are provided to any person.

The act would also apply to any individual who may be asked or assigned to participate in any way in a health care service, including a physician, physician assistant, nurse, nurses’ aide, medical assistant, hospital employee, clinic employee, nursing home employee, pharmacist, pharmacy employee, researcher, medical or nursing school faculty, student or employee, counselor, social worker or any professional or paraprofessional, or any other person who furnishes or assists in furnishing health care services.

“Health care services” are defined in the legislation and include medical care, treatment or procedure relating to abortion, artificial birth control, artificial insemination, assisted

reproduction, emergency contraception, human cloning, human embryonic stem cell research, fetal experimentation and sterilization.

Under the provisions of the legislation, a health care provider has the right not to participate, and no health care provider can be required to participate, in a health care service that violates his or her conscience. No cause of action is permitted if a provider declines to participate. It would be unlawful for any person, health care provider, professional organization, public official, or board which certifies competency in medical specialties to discriminate against any provider based on his or her declining to participate in a health care service that violates his or her conscience.

A health care institution is provided similar protections under the legislation, including immunity from civil, criminal and administrative liability.

Nothing in the act exempts a health care provider or institution from complying with informed consent requirements mandated by statute regarding the provision of a health care service.

The act would take effect in 60 days.