

REFERENCE TITLE: health care providers; civil rights

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

HB 2564

Introduced by
Representatives Anderson, Brimhall, Farnsworth, Pearce, Laughter: Blendu,
Cooley, Foster, Gray, Hatch-Miller, Jarrett, Knaperek, Robson, Senator
Petersen

AN ACT

AMENDING TITLE 41, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 10;
RELATING TO HEALTH CARE PROVIDERS RIGHTS OF CONSCIENCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 9, Arizona Revised Statutes, is amended
3 by adding article 10, to read:

4 ARTICLE 10. HEALTH CARE PROVIDERS RIGHTS OF CONSCIENCE

5 41-1494. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "HEALTH CARE INSTITUTION" MEANS ANY PUBLIC OR PRIVATE ORGANIZATION,
8 CORPORATION, PARTNERSHIP, SOLE PROPRIETORSHIP, ASSOCIATION, AGENCY, NETWORK,
9 JOINT VENTURE OR OTHER LEGAL ENTITY THAT IS INVOLVED IN PROVIDING HEALTH CARE
10 SERVICES, INCLUDING HOSPITALS, CLINICS, MEDICAL CENTERS, AMBULATORY SURGICAL
11 CENTERS, PRIVATE PHYSICIAN'S OFFICES, PHARMACIES, NURSING HOMES, UNIVERSITY
12 MEDICAL SCHOOLS AND NURSING SCHOOLS, MEDICAL TRAINING FACILITIES OR OTHER
13 INSTITUTIONS OR LOCATIONS IN WHICH HEALTH CARE SERVICES ARE PROVIDED TO ANY
14 PERSON.

15 2. "HEALTH CARE PAYER" MEANS ANY ENTITY OR FINANCING ORGANIZATION THAT
16 PAYS FOR OR ARRANGES FOR THE PAYMENT OF ANY HEALTH CARE SERVICE OR PRODUCT
17 USED IN THE PROVISION OF THE HEALTH CARE SERVICE, INCLUDING HEALTH
18 MAINTENANCE ORGANIZATIONS, INSURANCE COMPANIES, MANAGEMENT SERVICES
19 ORGANIZATIONS AND EMPLOYERS.

20 3. "HEALTH CARE PROVIDER" MEANS ANY INDIVIDUAL WHO MAY BE ASKED TO
21 PARTICIPATE, DIRECTLY OR INDIRECTLY, IN ANY WAY IN A HEALTH CARE SERVICE,
22 INCLUDING A PHYSICIAN, A PHYSICIAN'S ASSISTANT, A NURSE, A NURSES' AIDE, A
23 MEDICAL ASSISTANT, A HOSPITAL EMPLOYEE, A CLINIC EMPLOYEE, A NURSING HOME
24 EMPLOYEE, A PHARMACIST, A PHARMACY EMPLOYEE, A MEDICAL OR NURSING SCHOOL
25 FACULTY MEMBER, STUDENT OR EMPLOYEE, A CHAPLAIN, A COUNSELOR, A SOCIAL
26 WORKER, A VOLUNTEER OR ANY PROFESSIONAL OR PARAPROFESSIONAL OR ANY OTHER
27 PERSON WHO FURNISHES, OR ASSISTS IN THE FURNISHING OF, HEALTH CARE SERVICES.

28 4. "HEALTH CARE SERVICE" MEANS THE DIRECT OR INDIRECT PROVISION OF, OR
29 ASSISTING WITH, ANY PHASE OF PATIENT MEDICAL CARE, TREATMENT OR PROCEDURE,
30 WHETHER BEFORE OR AFTER THE FACT, INCLUDING ANY OF THE FOLLOWING:

- 31 (a) PATIENT REFERRALS.
- 32 (b) PATIENT COUNSELING.
- 33 (c) PATIENT THERAPY.
- 34 (d) PATIENT TESTING.
- 35 (e) PATIENT DIAGNOSIS OR PROGNOSIS.
- 36 (f) RESEARCH.
- 37 (g) INSTRUCTION.
- 38 (h) THE PRESCRIPTION OR ADMINISTRATION OF ANY DEVICE, DRUG OR
39 MEDICATION OR ANY COMBINATION OF DRUGS OR MEDICATIONS.
- 40 (i) PERFORMING SURGERY.
- 41 (j) PROVIDING ANY OTHER CARE OR TREATMENT RENDERED BY HEALTH CARE
42 PROVIDERS OR HEALTH CARE INSTITUTIONS AND INTENDED FOR THE PATIENT'S
43 PHYSICAL, MENTAL, EMOTIONAL OR SPIRITUAL WELL-BEING.

1 5. "RELIGIOUS, MORAL, PHILOSOPHICAL OR ETHICAL CONVICTIONS" MEANS THE
2 RELIGIOUS, MORAL, PHILOSOPHICAL OR ETHICAL PRINCIPLES SINCERELY BELIEVED BY
3 AN INDIVIDUAL AND THE POLICIES ADOPTED BY THE GOVERNING BODY OF A HEALTH CARE
4 INSTITUTION OR HEALTH CARE PAYER THAT ARE BASED ON SINCERELY HELD RELIGIOUS,
5 MORAL, PHILOSOPHICAL OR ETHICAL PRINCIPLES.

6 41-1494.01. Rights of conscience of health care providers

7 A. A HEALTH CARE PROVIDER HAS THE RIGHT NOT TO COUNSEL, ADVISE, PAY
8 FOR, PROVIDE, PERFORM, ASSIST OR PARTICIPATE, DIRECTLY OR INDIRECTLY, IN
9 PERFORMING ANY HEALTH CARE SERVICE THAT VIOLATES THE HEALTH CARE PROVIDER'S
10 RELIGIOUS, MORAL, PHILOSOPHICAL OR ETHICAL CONVICTIONS. A HEALTH CARE
11 PROVIDER SHALL NOT BE REQUIRED TO COUNSEL, ADVISE, PAY FOR, PROVIDE, PERFORM,
12 ASSIST OR PARTICIPATE, DIRECTLY OR INDIRECTLY, IN PROVIDING ANY HEALTH CARE
13 SERVICE THAT VIOLATES THE HEALTH CARE PROVIDER'S RELIGIOUS, MORAL,
14 PHILOSOPHICAL OR ETHICAL CONVICTIONS.

15 B. A HEALTH CARE PROVIDER SHALL NOT BE CIVILLY, CRIMINALLY OR
16 ADMINISTRATIVELY LIABLE FOR ANY REFUSAL TO COUNSEL, ADVISE, PAY FOR, PROVIDE,
17 ASSIST OR PARTICIPATE, DIRECTLY OR INDIRECTLY, IN PROVIDING OR PERFORMING ANY
18 HEALTH CARE SERVICE THAT VIOLATES THE HEALTH CARE PROVIDER'S RELIGIOUS OR
19 MORAL CONVICTION IF EITHER:

20 1. BEFORE THE REQUEST OR ASSIGNMENT, THE HEALTH CARE PROVIDER NOTIFIED
21 THE PERSON MAKING THE REQUEST OR ASSIGNMENT OF THE HEALTH CARE PROVIDER'S
22 GENERAL REFUSAL AND, IF ASKED, CERTIFIED THAT GENERAL REFUSAL IN WRITING.

23 2. THE HEALTH CARE PROVIDER NOTIFIED THE PERSON MAKING THE REQUEST OR
24 ASSIGNMENT OF THE HEALTH CARE PROVIDER'S REFUSAL WITHIN TWENTY-FOUR HOURS
25 AFTER BEING ASKED OR ASSIGNED.

26 C. IT IS UNLAWFUL FOR ANY PERSON, HEALTH CARE PROVIDER, HEALTH CARE
27 INSTITUTION, PUBLIC OR PRIVATE INSTITUTION, PUBLIC OFFICIAL OR NATIONAL
28 CERTIFYING BOARD THAT CERTIFIES COMPETENCY IN MEDICAL SPECIALTIES TO
29 DISCRIMINATE AGAINST ANY HEALTH CARE PROVIDER IN ANY MANNER BASED ON THE
30 HEALTH CARE PROVIDER'S REFUSAL TO PARTICIPATE IN A HEALTH CARE SERVICE. FOR
31 PURPOSES OF THIS SUBSECTION, "DISCRIMINATION" INCLUDES TERMINATION, TRANSFER,
32 REFUSAL OF STAFF PRIVILEGES AT A HEALTH CARE INSTITUTION, REFUSAL OF BOARD
33 CERTIFICATION, ADMINISTRATIVE ACTION, DEMOTION, LOSS OF CAREER SPECIALTY,
34 REASSIGNMENT TO A DIFFERENT SHIFT, REDUCTION OF WAGES OR BENEFITS, REFUSAL TO
35 AWARD ANY GRANT, CONTRACT OR OTHER PROGRAM, REFUSAL TO PROVIDE STANDARD
36 RESIDENCY TRAINING OPPORTUNITIES OR ANY OTHER PENALTY OR DISCIPLINARY OR
37 RETALIATORY ACTION.

38 D. WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS ARTICLE, ALL
39 HEALTH CARE INSTITUTIONS SHALL POST THE FOLLOWING NOTICE IN A LOCATION THAT
40 IS CONSPICUOUS TO HEALTH CARE PROVIDERS, AND SHALL INCLUDE THE NOTICE IN ANY
41 HEALTH CARE INSTITUTION POLICY MANUALS:

42 1. STATE LAW PERMITS ANY HEALTH CARE PROVIDER TO REFUSE TO PARTICIPATE
43 IN ANY TYPE OF HEALTH CARE SERVICE BASED ON THE HEALTH CARE PROVIDER'S
44 RELIGIOUS BELIEF, OR MORAL, ETHICAL OR PHILOSOPHICAL CONVICTION.

1 2. A HEALTH CARE PROVIDER SHALL NOT BE CIVILLY, CRIMINALLY OR
2 ADMINISTRATIVELY LIABLE FOR ANY REFUSAL TO COUNSEL, ADVISE, PAY FOR, PROVIDE,
3 ASSIST OR PARTICIPATE, DIRECTLY OR INDIRECTLY, IN PROVIDING OR PERFORMING ANY
4 HEALTH CARE SERVICE THAT VIOLATES THE HEALTH CARE PROVIDER'S RELIGIOUS OR
5 MORAL CONVICTION IF EITHER:

6 (a) BEFORE THE REQUEST OR ASSIGNMENT, THE HEALTH CARE PROVIDER
7 NOTIFIED THE PERSON MAKING THE REQUEST OR ASSIGNMENT OF THE HEALTH CARE
8 PROVIDER'S GENERAL REFUSAL AND, IF ASKED, CERTIFIED THAT GENERAL REFUSAL IN
9 WRITING.

10 (b) THE HEALTH CARE PROVIDER NOTIFIED THE PERSON MAKING THE REQUEST OR
11 ASSIGNMENT OF THE HEALTH CARE PROVIDER'S REFUSAL WITHIN TWENTY-FOUR HOURS
12 AFTER BEING ASKED OR ASSIGNED.

13 3. IN ACCORD WITH THE HEALTH CARE PROVIDERS RIGHTS OF CONSCIENCE ACT,
14 TITLE 41, CHAPTER 9, ARTICLE 10, ARIZONA REVISED STATUTES, IT IS UNLAWFUL FOR
15 ANY INDIVIDUAL OR INSTITUTION TO DISCRIMINATE AGAINST, DISCIPLINE OR TAKE ANY
16 OTHER RETALIATORY ACTION AGAINST ANY HEALTH CARE PROVIDER THAT EXERCISES THE
17 HEALTH CARE PROVIDER'S RIGHT TO REFUSE TO PARTICIPATE IN ANY HEALTH CARE
18 SERVICE. STATE LAW PROVIDES SPECIFIC CIVIL REMEDIES FOR THE VIOLATION OF THE
19 HEALTH CARE PROVIDERS RIGHTS OF CONSCIENCE ACT, TITLE 41, CHAPTER 9, ARTICLE
20 10, ARIZONA REVISED STATUTES.

21 4. "HEALTH CARE PROVIDER" AS DEFINED IN STATE LAW MEANS ANY INDIVIDUAL
22 WHO MAY BE ASKED TO PARTICIPATE, DIRECTLY OR INDIRECTLY, IN ANY WAY IN A
23 HEALTH CARE SERVICE, INCLUDING A PHYSICIAN, A PHYSICIAN'S ASSISTANT, A NURSE,
24 A NURSES' AIDE, A MEDICAL ASSISTANT, A HOSPITAL EMPLOYEE, A CLINIC EMPLOYEE,
25 A NURSING HOME EMPLOYEE, A PHARMACIST, A PHARMACY EMPLOYEE, A MEDICAL OR
26 NURSING SCHOOL FACULTY MEMBER, STUDENT OR EMPLOYEE, A CHAPLAIN, A COUNSELOR,
27 A SOCIAL WORKER, A VOLUNTEER OR ANY PROFESSIONAL OR PARAPROFESSIONAL OR ANY
28 OTHER PERSON WHO FURNISHES, OR ASSISTS IN THE FURNISHING OF, HEALTH CARE
29 SERVICES.

30 E. IF A HEALTH CARE INSTITUTION FAILS TO POST THE NOTICE PRESCRIBED IN
31 SUBSECTION D, THE DEPARTMENT OF HEALTH SERVICES SHALL IMPOSE ON THE HEALTH
32 CARE INSTITUTION A CIVIL PENALTY OF NOT LESS THAN _____ DOLLARS PER DAY.

33 41-1494.02. Rights of conscience of health care institutions

34 A. A HEALTH CARE INSTITUTION HAS THE RIGHT NOT TO COUNSEL, ADVISE, PAY
35 FOR, PROVIDE, PERFORM, ASSIST OR PARTICIPATE, DIRECTLY OR INDIRECTLY, IN
36 PERFORMING ANY HEALTH CARE SERVICE THAT VIOLATES ITS RELIGIOUS, MORAL,
37 PHILOSOPHICAL OR ETHICAL CONVICTIONS. A HEALTH CARE INSTITUTION SHALL NOT BE
38 REQUIRED TO COUNSEL, ADVISE, PAY FOR, PROVIDE, PERFORM, ASSIST OR
39 PARTICIPATE, DIRECTLY OR INDIRECTLY, IN PROVIDING ANY HEALTH CARE SERVICE,
40 INCLUDING ADMITTING WITH THE PURPOSE OF PROVIDING HEALTH CARE SERVICES, THAT
41 VIOLATES THE POLICIES ADOPTED BY THE GOVERNING BODY OF THE HEALTH CARE
42 INSTITUTION THAT ARE BASED ON RELIGIOUS, MORAL, PHILOSOPHICAL OR ETHICAL
43 CONVICTIONS.

1 B. A HEALTH CARE INSTITUTION SHALL NOT BE CIVILLY, CRIMINALLY OR
2 ADMINISTRATIVELY LIABLE TO ANY PERSON FOR SUCH REFUSAL IF EITHER:

3 1. THE INSTITUTION POSTED NOTICE OF ITS REFUSAL POLICY IN PLAIN SIGHT
4 IN ANY ADMISSION AREA OF THE INSTITUTION BEFORE THE REQUEST OR ASSIGNMENT.

5 2. THE INSTITUTION NOTIFIED THE PERSON REQUESTING THE HEALTH CARE
6 SERVICE OF ITS REFUSAL WITHIN TWENTY-FOUR HOURS OF THE REQUEST.

7 C. IT IS UNLAWFUL FOR ANY PERSON, PUBLIC OR PRIVATE INSTITUTION OR
8 PUBLIC OFFICIAL TO DISCRIMINATE AGAINST ANY PERSON, ASSOCIATION OR
9 CORPORATION ATTEMPTING TO ESTABLISH A NEW HEALTH CARE INSTITUTION OR
10 OPERATING AN EXISTING HEALTH CARE INSTITUTION, IN ANY MANNER, INCLUDING
11 DENIAL, DEPRIVATION OR DISQUALIFICATION IN LICENSING, GRANTING OF
12 AUTHORIZATIONS, AID, ASSISTANCE, BENEFITS, MEDICAL STAFF OR ANY OTHER
13 PRIVILEGES AND GRANTING AUTHORIZATION TO EXPAND, IMPROVE, MERGE OR ESTABLISH
14 ANY HEALTH CARE INSTITUTION, BY REASON OF THE REFUSAL OF THE PERSON,
15 ASSOCIATION OR CORPORATION PLANNING, PROPOSING OR OPERATING A HEALTH CARE
16 INSTITUTION TO PERMIT OR PERFORM ANY PARTICULAR FORM OF HEALTH CARE SERVICE
17 THAT VIOLATES THE HEALTH CARE INSTITUTION'S CONSCIENCE AS DOCUMENTED IN ITS
18 EXISTING OR PROPOSED ETHICAL GUIDELINES, MISSION STATEMENT, CONSTITUTION,
19 BYLAWS, ARTICLES OF INCORPORATION, REGULATIONS OR OTHER GOVERNING DOCUMENTS.

20 D. IT IS UNLAWFUL FOR ANY PUBLIC OFFICIAL, AGENCY, INSTITUTION OR
21 ENTITY TO DENY ANY FORM OF AID, ASSISTANCE, GRANT OR BENEFIT OR IN ANY OTHER
22 MANNER TO COERCE, DISQUALIFY OR DISCRIMINATE AGAINST ANY PERSON, ASSOCIATION
23 OR CORPORATION ATTEMPTING TO ESTABLISH A NEW HEALTH CARE INSTITUTION OR
24 OPERATING AN EXISTING HEALTH CARE INSTITUTION THAT OTHERWISE WOULD BE
25 ENTITLED TO THE AID, ASSISTANCE, GRANT OR BENEFIT BECAUSE THE EXISTING OR
26 PROPOSED HEALTH CARE INSTITUTION REFUSES TO PERFORM, ASSIST, COUNSEL,
27 SUGGEST, RECOMMEND, REFER OR PARTICIPATE IN ANY WAY IN ANY FORM OF HEALTH
28 CARE SERVICE CONTRARY TO THE HEALTH CARE INSTITUTION'S CONSCIENCE AS
29 DOCUMENTED IN ITS EXISTING OR PROPOSED ETHICAL GUIDELINES, MISSION STATEMENT,
30 CONSTITUTION, BYLAWS, ARTICLES OF INCORPORATION, REGULATIONS OR OTHER
31 GOVERNING DOCUMENTS.

32 41-1494.03. Rights of conscience of health care payers

33 A. A HEALTH CARE PAYER HAS THE RIGHT TO REFUSE TO PAY OR ARRANGE FOR
34 THE PAYMENT OF ANY HEALTH CARE SERVICE OR PRODUCT THAT VIOLATES ITS POLICIES
35 ADOPTED BY ITS GOVERNING BODY THAT ARE BASED ON RELIGIOUS, MORAL,
36 PHILOSOPHICAL OR ETHICAL CONVICTIONS.

37 B. NO HEALTH CARE PAYER AND NO PERSON, ASSOCIATION OR CORPORATION THAT
38 OWNS, OPERATES, SUPERVISES OR MANAGES A HEALTH CARE PAYER SHALL BE CIVILLY OR
39 CRIMINALLY LIABLE TO ANY PERSON, ESTATE OR PUBLIC ENTITY BY REASON OF REFUSAL
40 OF THE HEALTH CARE PAYER TO PAY FOR OR ARRANGE FOR THE PAYMENT OF ANY
41 PARTICULAR FORM OF HEALTH CARE SERVICE THAT VIOLATES THE HEALTH CARE PAYER'S
42 CONSCIENCE AS DOCUMENTED IN ITS ETHICAL GUIDELINES, MISSION STATEMENT,
43 CONSTITUTION, BYLAWS, ARTICLES OF INCORPORATION, REGULATIONS OR OTHER
44 GOVERNING DOCUMENTS.

1 C. IT IS UNLAWFUL FOR ANY PERSON, PUBLIC OR PRIVATE INSTITUTION OR
2 PUBLIC OFFICIAL TO DISCRIMINATE AGAINST ANY PERSON, ASSOCIATION OR
3 CORPORATION ATTEMPTING TO ESTABLISH A NEW HEALTH CARE PAYER OR OPERATING AN
4 EXISTING HEALTH CARE PAYER, IN ANY MANNER, INCLUDING DENIAL, DEPRIVATION OR
5 DISQUALIFICATION IN LICENSING, GRANTING OF AUTHORIZATIONS, AID, ASSISTANCE,
6 BENEFITS OR ANY OTHER PRIVILEGES AND GRANTING AUTHORIZATION TO EXPAND,
7 IMPROVE, MERGE OR CREATE ANY HEALTH CARE PAYER, BECAUSE THE PERSON,
8 ASSOCIATION OR CORPORATION PLANNING, PROPOSING OR OPERATING A HEALTH CARE
9 PAYER REFUSES TO PAY FOR OR ARRANGE FOR THE PAYMENT OF ANY PARTICULAR FORM OF
10 HEALTH CARE SERVICE THAT VIOLATES THE HEALTH CARE PAYER'S CONSCIENCE AS
11 DOCUMENTED IN THE EXISTING OR PROPOSED ETHICAL GUIDELINES, MISSION STATEMENT,
12 CONSTITUTION, BYLAWS, ARTICLES OF INCORPORATION, REGULATIONS OR OTHER
13 GOVERNING DOCUMENTS.

14 D. IT IS UNLAWFUL FOR ANY PUBLIC OFFICIAL, AGENCY, INSTITUTION, OR
15 ENTITY TO DENY ANY FORM OF AID, ASSISTANCE, GRANT OR BENEFIT OR IN ANY OTHER
16 MANNER TO COERCE, DISQUALIFY OR DISCRIMINATE AGAINST ANY PERSON, ASSOCIATION
17 OR CORPORATION ATTEMPTING TO ESTABLISH A NEW HEALTH CARE PAYER OR OPERATING
18 AN EXISTING HEALTH CARE PAYER THAT OTHERWISE WOULD BE ENTITLED TO THE AID,
19 ASSISTANCE, GRANT OR BENEFIT BECAUSE THE EXISTING OR PROPOSED HEALTH CARE
20 PAYER REFUSES TO PAY FOR, ARRANGE FOR THE PAYMENT OF OR PARTICIPATE IN ANY
21 WAY IN ANY FORM OF HEALTH CARE SERVICE CONTRARY TO THE HEALTH CARE PAYER'S
22 CONSCIENCE AS DOCUMENTED IN ITS EXISTING OR PROPOSED ETHICAL GUIDELINES,
23 MISSION STATEMENT, CONSTITUTION, BYLAWS, ARTICLES OF INCORPORATION,
24 REGULATIONS OR OTHER GOVERNING DOCUMENTS.

25 41-1494.04. Civil remedies

26 A. A CIVIL ACTION FOR DAMAGES OR INJUNCTIVE RELIEF, OR BOTH, MAY BE
27 BROUGHT FOR A VIOLATION OF THIS ARTICLE. IT IS NOT A DEFENSE TO ANY CLAIM
28 ARISING OUT OF A VIOLATION OF THIS ARTICLE THAT THE VIOLATION WAS NECESSARY
29 TO PREVENT ADDITIONAL BURDEN OR EXPENSE ON ANY OTHER HEALTH CARE PROVIDER,
30 HEALTH CARE INSTITUTION, INDIVIDUAL OR PATIENT.

31 B. ANY INDIVIDUAL, ASSOCIATION, CORPORATION, ENTITY OR HEALTH CARE
32 INSTITUTION INJURED BY ANY PUBLIC OR PRIVATE INDIVIDUAL, ASSOCIATION, AGENCY,
33 ENTITY OR CORPORATION BY REASON OF ANY CONDUCT PROHIBITED BY THIS ARTICLE MAY
34 COMMENCE A CIVIL ACTION. ON FINDING A VIOLATION OF THIS ARTICLE, THE
35 AGGRIEVED PARTY IS ENTITLED TO RECOVER THREE TIMES THE ACTUAL DAMAGES,
36 INCLUDING PAIN AND SUFFERING, SUSTAINED BY THE INDIVIDUAL, ASSOCIATION,
37 CORPORATION, ENTITY OR HEALTH CARE INSTITUTION, THE COSTS OF THE ACTION AND
38 REASONABLE ATTORNEY FEES, EXCEPT THAT IN NO CASE SHALL RECOVERY BE LESS THAN
39 FIVE THOUSAND DOLLARS FOR EACH VIOLATION IN ADDITION TO COSTS OF THE ACTION
40 AND REASONABLE ATTORNEY FEES. THESE DAMAGE REMEDIES ARE CUMULATIVE AND ARE
41 NOT EXCLUSIVE OF OTHER REMEDIES AFFORDED UNDER ANY OTHER STATE OR FEDERAL
42 LAW.

43 C. THE COURT IN A CIVIL ACTION UNDER THIS ARTICLE MAY AWARD INJUNCTIVE
44 RELIEF, INCLUDING ORDERING REINSTATEMENT OF A HEALTH CARE PROVIDER TO THE
45 HEALTH CARE PROVIDER'S PRIOR JOB POSITION.

1 Sec. 2. Purpose

2 A. It is the public policy of this state to respect and protect the
3 fundamental rights of conscience of all individuals who are involved in
4 providing health care services.

5 B. Without a comprehensive civil rights act for health care providers,
6 religious beliefs and rights of conscience may be violated in various ways,
7 such as harassment, demotion, salary reduction, transfer, termination, loss
8 of staffing privileges, denial of aid or benefits and refusal to license or
9 certify.

10 C. It is the purpose of this act to protect as a basic civil right of
11 all individuals and institutions to refuse to counsel, advise, pay for,
12 provide, perform, assist or participate, directly or indirectly, in providing
13 or performing health care services that violate the individual's religious,
14 moral, philosophical or ethical convictions. These health care services may
15 include abortion, artificial insemination, assisted reproduction, artificial
16 birth control, cloning, human stem cell and fetal experimentation, withdrawal
17 of nutrition and hydration, physician-assisted suicide and euthanasia.

18 D. Accordingly, it is the purpose of this act to prohibit all forms of
19 discrimination, disqualification, coercion, disability or liability on
20 individuals or institutions that refuse to perform any health care service
21 based on religious, moral, philosophical or ethical convictions.

22 Sec. 3. Severability

23 If a provision of this act or its application to any person or
24 circumstance is held invalid, the invalidity does not affect other provisions
25 or applications of the act that can be given effect without the invalid
26 provision or application, and to this end the provisions of this act are
27 severable.