

Hall of the House of Representatives
93rd General Assembly - Regular Session, 2021
Amendment Form

Subtitle of Senate Bill No. 289

TO CREATE THE MEDICAL ETHICS AND DIVERSITY ACT.

Amendment No. 1 to Senate Bill 289

Amend Senate Bill No. 289 as originally introduced:

Page 2, line 20, delete "moral, ethical, or" and substitute "moral, or ethical"

AND

Page 2, line 21, delete "philosophical"

AND

Page 4, delete lines 28 through 36, and substitute the following:

(B) A physician assistant;

(C) An advanced practice registered nurse or other nurse practitioner;

(D) A pharmacist;

(E) A medical researcher or laboratory technician to the extent that he or she is requested to actively and materially participate in medical research or testing that violates his or her conscience;

(F) A counselor, social worker, psychologist, or other mental health professional to the extent that he or she is requested to actively and materially provide or participate in a type of counseling or referral for a healthcare service that violates his or her conscience;

(G) A student of counseling, psychology, social work, or other mental health studies to the extent that he or she is asked to actively and materially participate in a type of counseling or referral for a healthcare service that violates his or her conscience; or

(H) A nurse, pharmacy technician, surgical technician, allied health professional, student, faculty member, contractor, or employee who is requested to actively and materially participate in a surgery, procedure, or medication administration or dispensing that violates his or her conscience; and"

AND



Page 5, delete lines 1 through 10

AND

Page 5, delete lines 32 and 33, and substitute the following:

"violates his, her, or its conscience.

(b) Exercise of the right of conscience is limited to conscience-based objections to a particular healthcare service.

(c) A medical practitioner, healthcare institution, or healthcare"

AND

Page 6, line 4, delete "(c)" and substitute "(d)"

AND

Page 6, delete line 7, and substitute the following:

"federal law governing emergency medical treatment, as existing on January 1, 2021.

(e)(1) When a medical practitioner declines to participate in a healthcare service for reasons of conscience, the medical practitioner shall alert the employing healthcare institution at the earliest reasonable time and comply with any applicable protocol developed under this section.

(2)(A) A healthcare institution may develop a protocol for situations in which a medical practitioner declines to participate in a healthcare service.

(B) The protocol shall provide for prompt patient access to medical records to facilitate transfer, if needed.

(3) This section does not require a healthcare institution or medical practitioner to perform a healthcare service, counsel, or refer a patient regarding a healthcare service that is contrary to the conscience of the medical practitioner or healthcare institution.

(f)(1) This section does not prohibit an employer or contracting healthcare institution from disclosing the specific healthcare services that an applicant would be required to participate in if he or she is hired for the position or contract.

(2) Upon being informed of the specific healthcare services required of the position or contract, the applicant shall disclose whether he, she, or it has a conscience objection to any of those required duties.

(3) However, a medical practitioner or healthcare institution shall be able to decline to participate in a healthcare service that violates his, her, or its conscience if the employer or contracting healthcare institution, after employment, adds healthcare services to a medical practitioner's or healthcare institution's duties that would require the medical practitioner or healthcare institution to provide services that violate his, her, or its conscience."

AND

Page 6, line 8, delete "(d)(1)" and substitute "(g)(1)"

AND

Page 6, line 12, delete "(d)(1)" and substitute "(g)(1)"

AND

Page 6, line 18, delete "(e)" and substitute "(h)"

AND

Page 6, line 21, delete "(d)(1)" and substitute "(g)(1)"

AND

Page 6, line 22, delete "(f)" and substitute "(i)"

AND

Page 6, line 26, delete "(g)" and substitute "(j)"

AND

Page 6, line 27, delete "(d)-(f)" and substitute "(g)-(i)"

AND

Page 7, line 7, delete "seven thousand five hundred dollars (\$7,500)" and substitute "five thousand dollars (\$5,000)"

The Amendment was read _____

By: Representative B. Smith

JMB/JMB - 03-05-2021 11:45:35

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Chief Clerk