

HB 432 -- CONSCIENCE RIGHTS OF MEDICAL SERVICE PROVIDERS

SPONSOR: Frederick

This bill specifies that any medical professional or health care institution that provides medical services has the right not to participate in and cannot be required to participate in any phase of patient medical care, treatment, or procedure that violates his or her conscience including his or her religious, moral, or ethical principles that are adherent to a sincere and meaningful belief in God or in relation to a supreme being.

A medical professional or health care institution cannot be civilly, criminally, or administratively liable for declining to participate, provide, or perform any specified medical procedure or research that violates his or her conscience.

A medical professional or health care institution cannot be discriminated or retaliated against for declining to participate, provide, or perform any specified medical procedure or research that violates his or her conscience. Reassignment to a position that does not require participation in a specific medical procedure or research and that does not result in a demotion or reduction in pay or benefits is not a retaliatory action.

Reasonable notice must be provided by a medical professional asserting a right not to participate in a specific medical procedure or research.

It will be unlawful for any person, the state, a political subdivision, a public or private institution, or a public official to discriminate against any medical institution or any person, association, corporation, or other entity attempting to establish a new health care institution or operating an existing institution in any manner because it declines to participate, provide, or perform any specified medical procedure or research that violates the institution's conscience.

It must be unlawful for any public official, agency, institution, or entity to deny any form of aid, assistance, grants, or benefits or in any other manner to coerce, disqualify, or discriminate against a person or entity attempting to establish a new health care institution or operating an existing institution because it declines to participate, provide, or perform any specified medical procedure or research contrary to its conscience.

The provisions of the bill do not authorize a health care professional or institution to withhold lifesaving emergency medical treatment or services or alleviate a medical professional

from the duty to inform a patient of his or her condition, risks, prognosis, and available options and resources; however, a medical professional cannot be forced to participate in, refer for, or promote specified procedures or research. A cause of action for damages, injunctive relief, or both, may be brought for a violation of these provisions. It cannot be a defense to any claim that the violation was necessary to prevent additional burden or expense on any other medical professional, health care institution, individual, or patient.

A cause of action for damages or injunctive relief, or both, can be brought for a violation of a medical professional's or health care institution's conscience rights. It cannot be a defense to any discrimination claim that the violation was necessary to prevent additional burden or expense on any other medical professional, health care institution, individual, or patient. The aggrieved party must be entitled to recover threefold the actual damages, including pain and suffering; the costs of the action; and reasonable attorney fees. Recovery cannot be less than \$5,000 for each violation in addition to the costs of the action and reasonable attorney fees. It must not be unlawful if participation in the specified medical procedure or research was so integral to the duties of the medical professional's position or obligations of the employment contract and to the central purpose of the business or enterprise that a reasonable person would understand that participation in the specified medical procedure or research at issue was a requirement of the medical professional's position or employment contract.

The General Assembly may, by concurrent resolution, appoint one or more of its members who sponsored or co-sponsored this legislation in his or her official capacity to intervene as a matter of right in any case in which the constitutionality of the law is challenged.

The bill contains a severability clause for Sections 191.1150 to 191.1168, RSMo, with specified exceptions, and if any provision is found to be invalid, the remaining provisions must remain in force and effect.