1	A bill to be entitled
2	An act relating to protections of medical conscience;
3	creating s. 381.00321, F.S.; providing a short title;
4	providing legislative findings and intent; providing
5	definitions; providing that health care providers and
6	health care payers have the right to not participate
7	in or pay for any health care services that violate
8	their consciences; providing that such providers and
9	payers have a right to make certain decisions
10	consistent with their religious beliefs under certain
11	circumstances; prohibiting a person from taking or
12	threatening to take adverse action against such
13	providers and payers for specified actions; providing
14	for civil remedies and damages; providing immunity
15	from civil, criminal, and administrative liability for
16	such providers and payers under certain circumstances;
17	providing an effective date.
18	
19	Be It Enacted by the Legislature of the State of Florida:
20	
21	Section 1. Section 381.00321, Florida Statutes, is created
22	to read:
23	381.00321 Rights of conscience of health care providers
24	and health care payers
25	(1) SHORT TITLE This section may be cited as the
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26 "Healthcare Ethics and Liberty Protection Act." 27 (2) LEGISLATIVE FINDINGS AND INTENT.-28 (a) The Legislature finds that the right of conscience is 29 a fundamental and inalienable right. Threats to the right of 30 conscience of health care providers and health care payers have become increasingly common and severe in recent years. The swift 31 32 pace of scientific advancement, the expansion of medical capabilities, and with the mistaken notion that health care 33 34 providers and health care payers are mere public utilities, 35 promise to make the crisis worse unless action is taken to 36 restore conscience to its rightful place. As patient autonomy to 37 decline a health care service must be respected, health care 38 providers and health care payers must have the right to decline 39 participating in or paying for specific, nonemergency services 40 that violate their consciences. 41 (b) A health care provider or health care payer should not 42 be compelled to participate in or pay for any health care service that the provider or payer objects to on the basis of 43 44 conscience. 45 (3) DEFINITIONS.-As used in this section, the term: 46 (a) "Conscience" means the religious, moral, or ethical 47 beliefs or principles held by a health care provider or health 48 care payer. 49 (b) "Health care payer" means a health insurer that pays 50 for, or arranges for, the payment of a health care service

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51 provided to a patient, whether such payment is made in whole or 52 in part. 53 (c) "Health care provider" means a health care provider as 54 defined in s. 768.381(1)(f) or a student of a health care 55 education program. 56 "Health care service" means inpatient or outpatient (d) tests or treatments of a human disease, condition, or 57 dysfunction or medical or other health care-related research. 58 59 (e) "Health insurer" means an authorized insurer offering health insurance as defined in s. 624.603 for individual or 60 61 group coverage, a health maintenance organization as defined in s. 641.19(12) issuing coverage through an individual or group 62 contract, or a self-insurance plan as defined in 624.031. 63 64 "Participate" means to take part in any way in (f) 65 providing a health care service or any part of such service. 66 (4) RIGHTS OF CONSCIENCE.-(a) A health care provider or health care payer has the 67 68 right not to participate in or pay for any specific health care 69 service that violates the provider's or payer's conscience. 70 (b) A health care provider that is a business entity, or a 71 health care payer that holds itself out to the public as 72 religious, and states in its governing documents that it has a 73 religious purpose or mission and has internal operating policies 74 or procedures that implement such purpose or mission, has the 75 right to make employment, staffing, contracting, and

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FLORIDA	HOUSE	OF REP	R E S E N T A	TIVES
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76	credentialing decisions consistent with the provider's or
77	payer's religious beliefs.
78	(5) VIOLATIONS AND CIVIL REMEDIES
79	(a) A person may not take or threaten to take adverse
80	action against a health care provider or health care payer for:
81	1. Declining to participate in a health care service on
82	the basis of conscience.
83	2. Disclosing information to an appropriate governmental
84	agency that the health care provider or health care payer
85	reasonably believes is evidence of an employer's:
86	a. Violation of this section;
87	b. Violation of any law, rule, or regulation;
88	c. Violation of any standard of care or other ethical
89	guidelines for the provision of any health care service; or
90	d. Gross mismanagement, gross waste of funds, abuse of
91	authority, or any action that is a substantial and specific
92	danger to public health or safety.
93	(b) A health care provider or health care payer that
94	establishes a violation of this section has a civil cause of
95	action for treble damages, an injunction, or any other
96	appropriate relief in law or equity. Injunctive relief includes,
97	but is not limited to, reinstatement of a health care provider
98	or health care payer to a previous position, reinstatement of
99	board certification, and relicensure. Such damages are
100	cumulative and may not be limited by any other remedies that may

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101	be available under any other law. A prevailing plaintiff is				
102	entitled to recover reasonable attorney fees and court costs.				
103	Any additional burden or expense incurred by another health care				
104	provider or health care payer arising from the exercise of the				
105	right of conscience is not a defense to a violation of this				
106	section.				
107	(6) IMMUNITY FROM LIABILITYHealth care providers and				
108	health care payers are immune from civil, criminal, or				
109	administrative liability for exercising the right of conscience				
110	with respect to a health care service. A health care provider or				
111	health care payer that is a business entity is immune from				
112	civil, criminal, or administrative liability for any claims				
113	related to or arising out of the exercise of the right of				
114	conscience by a person employed, contracted, or credentialed by				
115	such provider or payer.				
116	Section 2. This act shall take effect July 1, 2022.				
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