

118TH CONGRESS
1ST SESSION

H. R. 279

To amend the Public Health Service Act to prohibit governmental discrimination against certain health care providers with certain objections to abortion.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2023

Mr. CARTER of Georgia (for himself, Mrs. HARSHBARGER, Mr. MOORE of Utah, Mr. ADERHOLT, Mr. DUNCAN, Mr. BALDERSON, Mr. CLYDE, Mr. ELLZEY, Mr. WEBSTER of Florida, Mr. WENSTRUP, Mr. WILLIAMS of Texas, and Mr. FEENSTRA) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to prohibit governmental discrimination against certain health care providers with certain objections to abortion.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pharmacist Conscience
5 Protection Act”.

1 **SEC. 2. PROHIBITING DISCRIMINATION AGAINST CERTAIN**
2 **HEALTH CARE PROVIDERS WITH CERTAIN**
3 **OBJECTIONS TO ABORTION.**

4 Title II of the Public Health Service Act (42 U.S.C.
5 202 et seq.) is amended by inserting after section 245 the
6 following:

7 **“SEC. 245A. PROHIBITING DISCRIMINATION AGAINST CER-**
8 **TAIN HEALTH CARE PROVIDERS WITH CER-**
9 **TAIN OBJECTIONS TO ABORTION.**

10 “(a) IN GENERAL.—Notwithstanding any other pro-
11 vision of law, the Federal Government, and any person
12 or entity that receives Federal grants, contracts, or finan-
13 cial assistance, including any State or local government,
14 may not penalize, treat adversely, retaliate against, or oth-
15 erwise discriminate against a specified health care pro-
16 vider, or take any action that has such effect, on the basis
17 that the specified health care provider does not or declines
18 to store or fill a prescription, or make a referral, for a
19 drug that is approved by the Food and Drug Administra-
20 tion to cause an abortion or that the specified health care
21 provider in good faith believes may be used to cause an
22 abortion.

23 “(b) PRIVATE RIGHT OF ACTION.—

24 “(1) IN GENERAL.—A qualified party may, in a
25 civil action, obtain appropriate relief, including dam-

1 ages, with regard to a violation of subsection (a) or
2 threat made in violation of subsection (a).

3 “(2) QUALIFIED PARTY.—The term ‘qualified
4 party’ means, with respect to a violation of sub-
5 section (a) or threat made in violation of such sub-
6 section—

7 “(A) the Attorney General of the United
8 States; or

9 “(B) any person or entity adversely af-
10 fected by such violation or threat without re-
11 gard to whether such person or entity is a
12 health care provider.

13 “(c) DEFINITIONS.—For purposes of this section:

14 “(1) SPECIFIED HEALTH CARE PROVIDER.—
15 The term ‘specified health care provider’ includes a
16 pharmacist, pharmacy technician, pharmacy, or
17 owner of a pharmacy that has an objection to any
18 abortion or all abortions on moral, religious, con-
19 science, or medical judgment grounds.

20 “(2) STATE OR LOCAL GOVERNMENT.—The
21 term ‘State or local government’ includes every
22 agency and other governmental unit and subdivision
23 of a State or local government.

24 “(3) STATE.—The term ‘State’ means any of
25 the 50 States and the District of Columbia and in-

1 cludes Puerto Rico, the Virgin Islands, Guam,
2 American Samoa, and the Northern Mariana Is-
3 lands.

4 “(d) RULES OF CONSTRUCTION.—Nothing in this
5 section shall be construed to—

6 “(1) require a specified health care provider to
7 prescribe, fill, refer, or stock any drugs or devices;
8 or

9 “(2) limit any State or Federal laws equally or
10 more protective of conscience or religious freedom.”.

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