

113TH CONGRESS  
1ST SESSION

# S. 143

To prohibit discrimination and retaliation against individuals and health care entities that refuse to recommend, refer for, provide coverage for, pay for, provide, perform, assist, or participate in abortions.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 24 (legislative day, JANUARY 3), 2013

Mr. CASEY introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To prohibit discrimination and retaliation against individuals and health care entities that refuse to recommend, refer for, provide coverage for, pay for, provide, perform, assist, or participate in abortions.

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 “The Health Care Pro-  
5 vider and Hospital Conscience Protection Act”.

6 **SEC. 2. CONSCIENCE PROTECTION.**

7 (a) NONDISCRIMINATION.—Neither the Federal Gov-  
8 ernment nor a State or local government that receives

1 Federal financial assistance shall discriminate or retaliate  
2 against any individual or health care entity because of the  
3 refusal by the individual or health care entity to rec-  
4 ommend, refer for, provide coverage for, pay for, provide,  
5 perform, assist, or participate in, any abortion.

6 (b) SCOPE.—Discrimination and retaliation prohib-  
7 ited under subsection (a) includes—

8 (1) denial, deprivation, or disqualification in li-  
9 censing;

10 (2) withholding accreditations, authorizations,  
11 loans, grants, aids, assistance, benefits, or privileges;  
12 and

13 (3) withholding authorization to expand, im-  
14 prove, finance, or create facilities or programs.

15 **SEC. 3. JUDICIAL RELIEF.**

16 (a) CAUSE OF ACTION.—An individual or health care  
17 entity aggrieved by a violation of this Act may file a civil  
18 action in a district court of the United States.

19 (b) REMEDIES.—In a civil action filed under sub-  
20 section (a), a court may order any form of legal or equi-  
21 table relief, including—

22 (1) injunctive relief prohibiting conduct that  
23 violates this Act; and

24 (2) an order preventing the disbursement of all  
25 or a portion of Federal financial assistance to a

1 State government that receives Federal financial as-  
2 sistance until such time as the conduct prohibited by  
3 this Act has ceased.

4 (c) ENFORCEMENT BY THE UNITED STATES.—The  
5 Attorney General may file a civil action seeking injunctive  
6 or declaratory relief to enforce compliance with this Act.

7 (d) ADMINISTRATION.—The Secretary of Health and  
8 Human Services shall designate the Director of the Office  
9 of Civil Rights of the Department of Health and Human  
10 Services—

11 (1) to receive complaints alleging a violation of  
12 this Act; and

13 (2) to pursue the investigation of such com-  
14 plaints in coordination with the Attorney General of  
15 the United States.

16 **SEC. 4. RULES OF CONSTRUCTION.**

17 (a) SUBSEQUENTLY ENACTED FEDERAL LAW.—  
18 Federal statutory law and regulations adopted after the  
19 date of enactment of this Act are subject to the require-  
20 ments of this Act unless such law explicitly excludes such  
21 application by reference to this Act.

22 (b) BROAD CONSTRUCTION.—This Act shall be con-  
23 strued in favor of broad conscience protection for individ-  
24 uals and health care entities, to the maximum extent per-

1 mitted by the terms of this Act and the Constitution of  
2 the United States.

3 (c) SEVERABILITY.—If any provision of this Act or  
4 any application of such provision to any person or cir-  
5 cumstance, is held to be unconstitutional, the remainder  
6 of this Act and the application of the provision to any  
7 other person or circumstance shall not be affected.

8 **SEC. 5. DEFINITIONS.**

9 In this Act:

10 (1) The term “Federal Government” means the  
11 United States, including branches, departments,  
12 agencies, instrumentalities, and officials of the  
13 United States.

14 (2) The term “State government that receives  
15 Federal financial assistance” means with respect to  
16 the receipt of Federal financial assistance—

17 (A) a State (including the District of Co-  
18 lumbia, the Commonwealth of Puerto Rico and  
19 each territory and possession of the United  
20 States);

21 (B) any county, municipality, or other gov-  
22 ernmental entity created under the authority of  
23 such a State; and

1           (C) any branch, department, agency, in-  
2           strumentality, or official of such a State or of  
3           an entity described in paragraph (B).

4           (3) The term “individual” means any individual  
5           physician, nurse, other health care professional, stu-  
6           dent in a health care professional program, or any  
7           other person engaged in training for or providing  
8           health care services.

9           (4) The term “health care entity” means any  
10          hospital, provider sponsored organization, account-  
11          able care organization, health maintenance organiza-  
12          tion, health insurance plan, or any other health care  
13          facility, organization, or plan.

14          (5) The term “Federal financial assistance”  
15          means payments by the Federal Government to  
16          cover, in whole or in part, the cost of health care  
17          items, services or benefits, or other payments,  
18          grants, or loans by the Federal Government to pro-  
19          mote or facilitate health care services, including, but  
20          not limited to, payments provided as reimbursement  
21          for the provision of health care items or services.

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