

HOUSE BILL NO. HB0222

Medical Ethics Defense Act-2.

Sponsored by: Representative(s) Ottman and Singh and
Senator(s) Hutchings, Pearson and Steinmetz

A BILL

for

1 AN ACT relating to public health and safety; allowing
2 health care professionals, health care institutions and
3 health care payers the right not to participate in or pay
4 for health care services as specified; authorizing
5 religious-based health care organizations to make decisions
6 consistent with religious beliefs; prohibiting
7 discrimination for making health care decisions based on
8 conscience; prohibiting adverse licensing actions based on
9 protected expressive activity; specifying liability and
10 damages for notice requirements; providing immunity;
11 providing definitions; specifying applicability; requiring
12 rulemaking; and providing for effective dates.

13

14 *Be It Enacted by the Legislature of the State of Wyoming:*

15

1 **Section 1.** W.S. 35-34-101 through 35-34-106 are
2 created to read:

3

4

CHAPTER 34

5

MEDICAL ETHICS DEFENSE ACT

6

7

35-34-101. Short title.

8

9 This chapter shall be known and may be cited as the
10 "Medical Ethics Defense Act."

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35-34-102. Definitions.

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14

(a) As used in this act:

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(i) "Conscience" means the ethical, moral or
religious beliefs or principles held by any health care
professional, health care institution or health care payer.
For health care institutions and health care payers,
conscience shall be determined by reference to the health
care institution's or health care payer's governing
documents, including any published ethical, moral or
religious guidelines or directives, mission statements,

1 constitutions, articles of incorporation, bylaws, policies
2 or regulations;

3

4 (ii) "Discrimination" means an adverse action
5 against or the communication of a threat of adverse action
6 to any health care professional, health care institution or
7 health care payer as a result of a decision by the health
8 care professional, health care institution or health care
9 payer not to participate in or pay for a health care
10 service that violates the conscience of the health care
11 professional, health care institution or health care payer.
12 "Discrimination" shall not include:

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14 (A) Declining to use, or the refusal to use
15 or purchase health care services from a specific health
16 care professional, health care institution or health care
17 payer if that health care professional, health care
18 institution or health care payer exercises the right not to
19 participate in or pay for health care services that violate
20 its conscience;

21

1 (B) Good faith efforts to accommodate
2 conscientious objections of a health care professional,
3 health care institution or health care payer.

4

5 (iii) "Health care institution" means as defined
6 by W.S. 35-22-402(a)(x);

7

8 (iv) "Health care payer" means any employer,
9 health plan, health maintenance organization, insurance
10 company, management services corporation or any other
11 entity that pays for or arranges for the payment of any
12 health care service provided to any person, whether the
13 payment is made in whole or in part;

14

15 (v) "Health care professional" means any person
16 who may be or is asked to participate in any health care
17 service, including doctors, nurse practitioners, physician
18 assistants, nurses, nurse aides, allied health
19 professionals, medical assistants, hospital employees,
20 clinic employees, nursing home employees, pharmacists,
21 pharmacy technicians, pharmacy employees, medical school
22 faculty and students, nursing school faculty and students,
23 psychology and counseling faculty and students, medical

1 researchers, laboratory technicians, psychologists,
2 psychiatrists, counselors, mental health professionals,
3 social workers or any other person who facilitates or
4 participates in a health care service;

5

6 (vi) "Health care service" means medical
7 research or health care provided to any person at any time
8 over the course of treatment, including testing, diagnosis,
9 referral, the prescribing, dispensing or administering of
10 any drug, medication or device, psychological therapy or
11 counseling, research, prognosis, therapy, record making or
12 record keeping, notes relating to treatment, the
13 preparation for or performance of a surgery or procedure or
14 any other medical care or service provided by any health
15 care professional;

16

17 (vii) "This act" means W.S. 35-34-101 through
18 35-34-106.

19

20 **35-34-103. Rights of conscience for health care**
21 **professionals, health care institutions and health care**
22 **payers.**

23

1 (a) Each health care professional, health care
2 institution and health care payer shall have the right not
3 to participate in or pay for a health care service that
4 violates the health care professional's, health care
5 institution's or health care payer's conscience. No health
6 care professional, health care institution or health care
7 payer shall be required to participate in or pay for any
8 health care service that violates the health care
9 professional's, health care institution's or health care
10 payer's conscience. The right of conscience provided under
11 this subsection shall:

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13 (i) Be limited to a specific health care
14 service;

15

16 (ii) Not be construed to waive or modify any
17 duty a health care professional, health care institution or
18 health care payer has to provide or pay for health care
19 services that do not violate the health care
20 professional's, health care institution's or health care
21 payer's conscience;

22

1 (iii) Not be construed to waive or modify any
2 duty of a health care professional or health care
3 institution to provide other health care services or
4 emergency medical treatment under 42 U.S.C. § 1395dd.

5
6 (b) The right of conscience provided under subsection
7 (a) of this section shall not be construed to undermine the
8 right of a religious health care professional, health care
9 institution or health care payer that holds itself out to
10 the public as religious, states in its governing documents
11 that it has a religious purpose or mission and has internal
12 operating policies and procedures that implement its
13 religious beliefs to make employment, staffing, contracting
14 and admitting privilege decisions consistent with its
15 religious beliefs.

16
17 **35-34-104. Participation in health care services;**
18 **discrimination prohibited.**

19
20 (a) No person or entity, including the state and its
21 political subdivisions, shall discriminate against any
22 health care professional, health care institution or health
23 care payer for exercising the right not to participate in

1 or pay for health care services that violate the right of
2 conscience under this act.

3

4 (b) No person or entity, including the state and its
5 political subdivisions, shall discriminate against a health
6 care professional or health care institution for:

7

8 (i) Providing a health care professional's
9 employer, the department of health or the attorney general
10 of Wyoming information relating to any violation of or any
11 act or omission that the health care professional or health
12 care institution reasonably believes violates this act; or

13

14 (ii) Testifying, assisting, participating or
15 agreeing to testify, assist or participate in a proceeding
16 concerning a violation of this act.

17

18 (c) Unless the disclosure is specifically prohibited
19 by law, no health care professional shall be subject to
20 discrimination for disclosing any information that the
21 health care professional reasonably believes violates:

22

1 (i) Any federal or state law, rule or
2 regulation;

3
4 (ii) Any standard of care or other ethical
5 guidelines for the provision of any health care service; or

6
7 (iii) Gross mismanagement, a gross waste of
8 funds, an abuse of authority, practice or methods of
9 treatment that may place a patient's health at risk or a
10 substantial and specific danger to public health or safety.

11
12 (d) The state, any political subdivision, the
13 department of health or a board, certifying agency or
14 licensing agency shall not discriminate against, reprimand,
15 sanction or revoke or threaten to revoke a license,
16 certificate, certification or registration of a health care
17 professional for engaging in speech or expressive activity
18 protected by the first amendment to the United States
19 constitution unless the state, political subdivision,
20 department, board or agency demonstrates beyond a
21 reasonable doubt that the health care professional's speech
22 was the direct cause of physical harm to a person with whom
23 the health care professional had established a health care

1 professional-patient relationship within the immediately
2 preceding three (3) years before the incident of physical
3 harm.

4
5 (e) Not later than fourteen (14) days after receipt,
6 the department of health or any board, certifying agency or
7 licensing agency, as applicable to the health care
8 professional, shall provide a health care professional with
9 notice of any complaint or action to suspend or revoke the
10 health care professional's license, certificate,
11 certification or registration. The department or a board or
12 agency that fails to provide notice under this subsection
13 shall be liable for damages of five hundred dollars
14 (\$500.00) for each full or partial week that the notice is
15 not provided to the health care professional. This
16 subsection shall not apply if notice of a complaint or
17 action is required to be provided within a shorter period
18 of time under another provision of law.

19

20 **35-34-105. Right of conscience and right of refusal;**
21 **immunity from liability.**

22

1 (a) No health care professional, health care
2 institution or health care payer shall be subject to civil
3 or criminal liability for exercising the right not to
4 participate in or pay for any health care service that
5 violates the right of conscience provided in W.S.
6 35-34-103(a).

7

8 (b) No health care institution shall be subject to
9 civil or criminal liability for a health care professional
10 employed, contracted or granted admitting privileges by the
11 health care institution for the health care professional
12 exercising the professional's right not to participate in a
13 health care service that violates the right of conscience
14 provided under W.S. 35-34-103(a).

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16 **35-34-106. Health care services and right of**
17 **conscience; civil remedies.**

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19 A health care professional, health care institution or
20 health care payer may bring a civil action for damages or
21 injunctive relief, or both, in a court of competent
22 jurisdiction for any alleged violation of this act.

23

1 **Section 2.**

2

3 (a) This act shall apply to health care services
4 provided, and health care payment obligations, that were
5 provided or arose on and after July 1, 2025.

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7 (b) This act shall not be construed to supersede any
8 law of the state that is equally as protective of the
9 conscience or more protective of the conscience than this
10 act.

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12 **Section 3.** The department of insurance and the
13 department of health shall promulgate all rules necessary
14 to implement this act.

15

1 **Section 4.**

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3 (a) Except as provided in subsection (b) of this
4 section, this act is effective July 1, 2025.

5

6 (b) Sections 3 and 4 of this act are effective
7 immediately upon completion of all acts necessary for a
8 bill to become law as provided by Article 4, Section 8 of
9 the Wyoming Constitution.

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(END)