

SENATE BILL NO. 14

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY SENATORS DYSON AND COGHILL

Introduced: 1/19/11

Referred: Health and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act providing for the protection and reasonable accommodation of a health care**
2 **provider's expression of conscience pertaining to a health care service; and providing**
3 **for immunity, an exception, and prohibition of discrimination for an expression of**
4 **conscience by a health care provider."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 18.95 is amended by adding a new section to read:

7 **Sec. 18.95.015. Protection, reasonable accommodation, and notice of**
8 **conscience objection by health care provider.** (a) Except as provided in (c) of this
9 section, an employer who receives a notice of objection described in (b) of this section
10 shall make reasonable accommodations for the employee providing the notice and
11 may not discriminate against an employee who provides the notice.

12 (b) A person who is employed as a health care provider may provide advance
13 written notice to the person's employer of an objection to providing health care
14 services. A health care provider is not required to provide a written explanation of the

1 reason for the objection, but the objection must be related to the provider's conscience.
2 The objection may not be based on a patient's race, religion, sex, age, disability, or
3 national origin.

4 (c) An employer is not required to accommodate an employee who has
5 provided notice under (b) of this section if the employer demonstrates that the
6 accommodation poses an undue hardship on the employer or the objecting employee is
7 the only health care provider available to assist in the provision of health care services
8 in a life-threatening circumstance.

9 (d) Notwithstanding the provision of a written notice of objection under (b) of
10 this section, a health care provider may not refuse to provide treatment or care to a
11 patient seeking health care services in a life-threatening circumstance until an alternate
12 health care provider is available.

13 (e) A person who refuses to provide health care services in compliance with
14 this section may not be held civilly or criminally liable for consequences resulting
15 from the compliance.

16 (f) This section shall be construed in a manner consistent with 42 U.S.C.
17 2000e - 2000e-17 (Title VII, Civil Rights Act of 1964), as amended.

18 (g) In this section,

19 (1) "health care provider" means a person licensed, certified, or
20 registered in the state who provides health care services; in this paragraph, "provide"
21 means to counsel, advise, perform, dispense, assist, or refer;

22 (2) "health care services" means treatment, management, and research
23 of illness and health;

24 (3) "life-threatening circumstance" means a situation that poses an
25 immediate risk to a person's life or long-term health.