

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
31 become increasingly common and severe in recent years. The swift
32 pace of scientific advancement, the expansion of medical
33 capabilities, and with the mistaken notion that health care
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
43 service that the provider or payer objects to on the basis of
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 (d) "Health care service" means inpatient or outpatient
57 tests or treatments of a human disease, condition, or
58 dysfunction or medical or other health care-related research.

59 (e) "Health insurer" means an authorized insurer offering
60 health insurance as defined in s. 624.603 for individual or
61 group coverage, a health maintenance organization as defined in
62 s. 641.19(12) issuing coverage through an individual or group
63 contract, or a self-insurance plan as defined in 624.031.

64 (f) "Participate" means to take part in any way in
65 providing a health care service or any part of such service.

66 (4) RIGHTS OF CONSCIENCE.—

67 (a) A health care provider or health care payer has the
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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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 LIABILITY.—Health 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.