

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2043

To amend title XXVII of the Public Health Service Act to provide religious conscience protections for individuals and organizations.

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IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2012

Mr. RUBIO 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 amend title XXVII of the Public Health Service Act to provide religious conscience protections for individuals and organizations.

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 “Religious Freedom  
5       Restoration Act of 2012”.

6       **SEC. 2. FINDING.**

7       Congress finds that—

8               (1) religious freedom and liberty of conscience  
9       are inalienable rights protected by the Declaration of

1 Independence and the First Amendment to the  
2 United States Constitution;

3 (2) on August 1, 2011, the Department of  
4 Health and Human Services issued a mandate re-  
5 quiring individual and group health plans to cover  
6 free sterilization and all Food and Drug Administra-  
7 tion-approved contraceptives, including drugs that  
8 many believe induce abortions;

9 (3) the mandate’s exemption for “religious em-  
10 ployers” excludes those religious organizations, in-  
11 cluding charities, hospitals, schools or soup kitchens,  
12 that hire or serve individuals who do not share their  
13 religious tenets;

14 (4) that narrow exemption, unprecedented in  
15 Federal law, excludes thousands of religiously affili-  
16 ated hospitals, schools, charities, and businesses;  
17 and

18 (5) despite receiving thousands of comments  
19 protesting the absurdly narrow exemption, the De-  
20 partment of Health and Human Services nonetheless  
21 announced on January 20, 2012, that it would not  
22 broaden the exemption but would instead give reli-  
23 gious institutions an additional year to “adapt” their  
24 consciences to the mandate.

1 **SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE**  
2 **ACT.**

3 Section 2713 of the Public Health Service Act (42  
4 U.S.C. 300gg-13) is amended by adding at the end the  
5 following:

6 “(d) CONSCIENCE PROTECTIONS.—

7 “(1) IN GENERAL.—No guideline or regulation  
8 issued pursuant to subsection (a)(4), or any other  
9 provision of the Patient Protection and Affordable  
10 Health Care Act, or the amendments made by that  
11 Act (Public Law 110-148), shall—

12 “(A) require any individual or entity to  
13 offer, provide, or purchase coverage for a con-  
14 traceptive or sterilization service, or related  
15 education or counseling, to which that indi-  
16 vidual or entity is opposed on the basis of reli-  
17 gious belief; or

18 “(B) require any individual or entity op-  
19 posed by reason of religious belief to provide  
20 coverage of a contraceptive or sterilization serv-  
21 ice or to engage in government-mandated  
22 speech regarding such a service.

23 “(2) RULE OF CONSTRUCTION.—Nothing in the  
24 Patient Protection and Affordable Health Care Act,  
25 or the amendments made by that Act (Public Law  
26 110-148), and no regulations or guidelines issued

1 under such Act (or amendments) shall be construed  
2 to authorize the imposition of a fine, penalty, or  
3 other sanction, or to otherwise disadvantage an indi-  
4 vidual or entity on the basis of a religiously based  
5 decision made by that individual or entity to not  
6 offer, provide, or purchase coverage for a contracep-  
7 tive or sterilization service, or to engage in govern-  
8 ment-mandated speech regarding such services.”.

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