

SENATE BILL REPORT

SB 6222

As of January 21, 2004

Title: An act relating to ensuring health care provider and insurer right of conscience.

Brief Description: Regarding health care provider right of conscience.

Sponsors: Senators Stevens, Mulliken and Swecker.

Brief History:

Committee Activity: Children & Family Services & Corrections: 1/23/04.

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Staff: Edith Rice (786-7444)

Background: Current law provides that no individual or organization with a religious or moral tenet opposed to a specific health care service may be required to purchase insurance coverage for that service if they object to doing so for reason of conscience or religion.

In August 2002, the Attorney General issued an opinion at the request of the Insurance Commissioner regarding the application of this law in the case of prescription contraceptives. Among other things, the opinion interprets the law to be "a limited right of conscientious objection" prohibiting only those situations where the employer is a direct party to the transaction. It indicates that "So long as the employer is not required to 'purchase' the coverage, however, there might be lawful ways of covering these costs through more indirect employer charges."

Summary of Bill: The right of conscience is recognized for those providing health care related services. Health care personnel, facility operators and payers cannot be held civilly or criminally liable for refusing to provide abortion related health care services if to do so would violate their conscience. Public officials are prohibited from denying services to or discriminating against persons, associations, health care facility operators and payers which refuse to provide abortion or contraception related services. The penalty for violation is set at a minimum of \$250,000 and includes treble damages and attorney fees.

Appropriation: None.

Fiscal Note: Requested on January 19, 2004

Effective Date: The bill contains an emergency clause and takes effect immediately.