
SENATE BILL 5879

State of Washington 58th Legislature 2003 Regular Session

By Senators Prentice, Deccio, Mulliken, Parlette, Rasmussen and Stevens

Read first time 02/18/2003. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to conscience clauses; adding a new section to
2 chapter 48.43 RCW; adding a new section to chapter 70.47 RCW; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the first
6 amendment to the United States Constitution and Article I, section 11
7 of the Washington state Constitution guarantee and protect freedom of
8 religion. In the twenty-first century, biomedical technology has made
9 many research, pharmaceutical, and treatment options available or
10 technologically possible. However, not all of the options created by
11 medical science are morally acceptable, according to the doctrinal
12 beliefs of some religions. Human cloning, euthanasia, contraception,
13 and abortion may be profoundly morally unacceptable to some
14 individuals, health care providers, religious organizations, and
15 employers. Biotechnology may create new objectionable medical options
16 in the future.

17 The legislature finds that state law has long recognized the right
18 of health care providers and religious organizations to conscientious
19 objection to certain biomedical treatment, procedures, or provision of

1 pharmaceuticals, regardless of their secular legality or availability.
2 Such "conscience clauses" serve to guarantee to individuals and
3 religious organizations the fundamental constitutional right to the
4 exercise of religious belief.

5 The legislature intends to strengthen and enhance the reliability
6 of conscience clauses for the protection of the constitutional first
7 amendment rights of persons and religious organizations.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.43 RCW
9 to read as follows:

10 (1) Notwithstanding any other provision of law, no person may be
11 required to pay for or otherwise provide, directly or indirectly, any
12 biomedical treatment, service, procedure, pharmaceutical, or technology
13 to which that person has a bona fide doctrinal religious objection.

14 (2) This section shall be broadly construed to provide enhanced
15 reliance upon conscience clauses in the protection of the
16 constitutional right of free exercise of religion.

17 (3) The definitions in this subsection apply throughout this
18 section.

19 (a) "Person" includes natural persons, licensed health care
20 providers, pharmacists, religious organizations, and religious
21 employers.

22 (b) "Religious employer" means an employer that is a church or
23 other entity exempt from taxation under internal revenue code section
24 501(c)(3).

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.47 RCW
26 to read as follows:

27 (1) Notwithstanding any other provision of law, no person may be
28 required to pay for or otherwise provide, directly or indirectly, any
29 biomedical treatment, service, procedure, pharmaceutical, or technology
30 to which that person has a bona fide doctrinal religious objection.

31 (2) This section shall be broadly construed to provide enhanced
32 reliance upon conscience clauses in the protection of the
33 constitutional right of free exercise of religion.

34 (3) The definitions in this subsection apply throughout this
35 section.

1 (a) "Person" includes natural persons, licensed health care
2 providers, pharmacists, religious organizations, and religious
3 employers.

4 (b) "Religious employer" means an employer that is a church or
5 qualified church-controlled organization as defined in 26 U.S.C. Sec.
6 3121.

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