

POLICY BRIEF

H.B. 1983

Healthcare Freedom of Conscience Act

Sponsor: Rep. David Meeks

Summary: This bill protects medical personnel's, medical facilities', and healthcare payer's rights of conscience. It modernizes Arkansas' existing laws by expanding the medical procedures doctors and hospitals may decline to provide from just abortion and contraceptives to abortion, contraceptive services, artificial insemination, assisted suicide, euthanasia, human embryonic stem cell research, fetal experimentation, and sterilization. It provides civil remedies for any violation of the bill.

Current Laws and History

- ❖ In 1969 Arkansas passed a law giving people, hospitals, hospital directors, and governing boards the ability to refuse to perform, participate, consent, or submit to an abortion¹.
- ❖ In 1973 Arkansas passed a law giving physicians, employees, agents, and institutions the ability to refuse to provide contraceptive procedures, supplies, and information based on a religious or conscientious objection. The law provides that no one should be held liable for refusal².

Points to Consider

- ❖ This bill modernizes Arkansas' current Rights of Conscience laws. Over the past 40 years there have been many changes in healthcare that directly affect life issues. With these changes and new ideas, we need to ensure that our healthcare professionals are well protected from being forced to participate in a procedure that would violate their conscience.
- ❖ This bill would add artificial birth control, artificial insemination, assisted reproduction, human cloning, euthanasia, human embryonic stem-cell research, fetal experimentation, physician-assisted suicide, and sterilization to Arkansas' current right of conscience law.
- ❖ This bill provides more protection to healthcare providers, healthcare institutions, and healthcare payers by prohibiting all forms of discrimination, disqualification, coercion, or liability.
- ❖ This bill provides civil remedies for damages or injunctive relief if violated.
- ❖ Current Oklahoma statutes protecting rights of conscience are very similar to H.B. 1983³.

Please Vote FOR H.B. 1983

¹ Arkansas Code Section 20-16-601

² Arkansas Code Section 20-16-304

³ Oklahoma State Statutes § 63-1-728



Current Arkansas Law (§§ 20-16-304, 601)

- No person is required to participate in an abortion.
- No hospital is required to permit abortion within its facilities.
- Submitting to an abortion or giving consent to an abortion cannot be used as a basis for providing or denying benefits and privileges.
- Medical personnel and facilities may decline to provide contraceptive information or services based on religious objections.

Arkansas Law Under HB 1983

- No person is required to participate in an abortion, artificial birth control, artificial insemination, assisted reproduction, human cloning, euthanasia, human embryonic stem-cell research, fetal experimentation, assisted suicide, or sterilization.
- No hospital or other healthcare facility is required to provide abortion, artificial birth control, artificial insemination, assisted reproduction, human cloning, euthanasia, human embryonic stem-cell research, fetal experimentation, assisted suicide, or sterilization.
- No healthcare payer is required to pay for an abortion, artificial birth control, artificial insemination, assisted reproduction, human cloning, euthanasia, human embryonic stem-cell research, fetal experimentation, assisted suicide, or sterilization.
- No person, healthcare institution, or healthcare payer shall be penalized for failing to participate in a healthcare procedure that violates the person's, institution's, or payer's conscience.
- Any person, medical facility, or healthcare payer who is coerced or discriminated against because of refusal to participate in a healthcare procedure that violates their conscience may seek civil remedies.