

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE PRINCIPAL CLERK

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HOUSE DRH90056-ME-7B (10/10)

Short Title: Health Care Conscience Protection Act.

(Public)

Sponsors: Representatives Schaffer, Conrad, R. Brown, and Martin (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY CERTAIN LAWS PERTAINING TO ABORTION AND TO
3 CONTRACEPTIVE HEALTH INSURANCE COVERAGE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 14-45.1(e) reads as rewritten:

6 "(e) Nothing in this section shall require a physician licensed to practice medicine in
7 North ~~Carolina or~~ Carolina, any ~~nurse-nurse, or any other health care provider~~ who shall state
8 an objection to abortion on moral, ethical, or religious grounds, to perform or participate in
9 medical procedures which result in an abortion. The refusal of ~~such physician-a physician,~~
10 ~~nurse, or health care provider~~ to perform or participate in these medical procedures shall not be
11 a basis for damages for ~~such-the~~ refusal, or for any disciplinary or any other recriminatory
12 action against ~~such physician-the~~ physician, nurse, or health care provider. For purposes of this
13 section, the phrase "health care provider" shall have the same meaning as defined under
14 G.S. 90-410(1)."

15 SECTION 2. G.S. 14-45.1(f) reads as rewritten:

16 "(f) Nothing in this section shall require a ~~hospital-or~~ hospital, other health care
17 ~~institution-institution,~~ or other health care provider to perform an abortion or to provide
18 abortion services."

19 SECTION 3. G.S. 58-3-178(e) reads as rewritten:

20 "(e) A religious employer may request an insurer providing a health benefit plan to
21 provide to the religious employer a health benefit plan that excludes coverage for prescription
22 contraceptive drugs or devices that are contrary to the employer's religious tenets. Upon
23 request, the insurer shall provide the requested health benefit plan. An insurer providing a
24 health benefit plan requested by a religious employer pursuant to this section shall provide
25 written notice to each person covered under the health benefit plan that prescription
26 contraceptive drugs or devices are excluded from coverage pursuant to this section at the
27 request of the employer. The notice shall appear, in not less than 10-point type, in the health
28 benefit plan, application, and sales brochure for the health benefit plan. Nothing in this
29 subsection authorizes a health benefit plan to exclude coverage for prescription drugs ordered
30 by a health care provider with prescriptive authority for reasons other than contraceptive
31 purposes, or for prescription contraception that is necessary to preserve the life or health of a
32 person covered under the plan. As used in this subsection, the term "religious employer" means
33 ~~an entity for which all of the following are true:~~

34 (1) ~~The entity is organized and operated for religious purposes and is tax exempt~~
35 ~~under section 501(c)(3) of the U.S. Internal Revenue Code.~~



- 1 (2) ~~The inculcation of religious values is one of the primary purposes of the~~
- 2 ~~entity.~~
- 3 (3) ~~The entity employs primarily persons who share the religious tenets of the~~
- 4 ~~entity.~~
- 5 includes any employer, including, but not limited to, a corporation, LLC, partnership, or sole
- 6 proprietorship, whether on a for-profit or nonprofit basis, that has a religious, moral, or ethical
- 7 objection to arranging for, paying for, facilitating, or providing health benefits plan coverage
- 8 for contraceptive drugs or methods, including, but not limited to, any and all contraceptive
- 9 drugs and methods approved by the United States Food and Drug Administration."
- 10 **SECTION 4.** This act is effective when it becomes law. Section 3 applies to plans
- 11 in effect when this act is effective to the extent allowable by either the United States or North
- 12 Carolina Constitution.