



AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide conscience protection for health plans, health insurance issuers, purchasers, plan sponsors, and individual and institutional health care providers.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

H. R. 3590

To	AMENDMENT NO 3201	modify
By	<u>Brownback</u>	members
To:	<u>H.R. 3590</u>	employ-

Re	<u>3</u>	and
	Page(s)	

GPO: 2008 45-608 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BROWNBACK to the amendment (No. 2786) proposed by Mr. REID

Viz:

- 1 On page 377, between lines 14 and 15, insert the fol-
- 2 lowing:
- 3 **SEC. 1562. CONSCIENCE PROTECTION.**
- 4 (a) PERMISSIBLE ACCOMMODATIONS.—Nothing in
- 5 this Act (or an amendment made by this Act) shall be
- 6 construed to—
- 7 (1) require a health plan or health insurance
- 8 issuer to provide coverage of any item or service to

1 which the health insurance issuer, purchaser, or plan
2 sponsor has a moral or religious objection, or require
3 such coverage for the purpose of—

4 (A) qualifying as a qualified health plan or
5 participating in an Exchange; or

6 (B) being eligible for a premium tax credit
7 or cost-sharing reduction or avoiding an assess-
8 able payment under section 4980H of the Inter-
9 nal Revenue Code of 1986 (as added by section
10 1513) or any other tax, assessment, or penalty;
11 or

12 (2) require an individual or institutional health
13 care provider to provide, participate in, or refer for
14 an item or service to which such provider has a
15 moral or religious objection, or require such conduct
16 as a condition of contracting with a qualified health
17 plan.

18 (b) NONDISCRIMINATION.—No person implementing
19 this Act (or an amendment made by this Act) shall dis-
20 criminate against a health plan, health insurance issuer,
21 purchaser, plan sponsor, or individual or institutional
22 health care provider based in whole or in part on an ac-
23 commodation permitted under subsection (a).

24 (c) EXCEPTION.—Nothing in this section authorizes
25 a health plan, health insurance issuer, or individual or in-

1 stitutional health care provider to deny all medical care
2 or to deny life-preserving care to an individual based on
3 the view that, because of a disability or other char-
4 acteristic of such individual, extending the life or pre-
5 serving the health of such individual is less valuable than
6 extending the life or preserving the health of another indi-
7 vidual who does not have such disability or other char-
8 acteristic.