

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 655

Introduced by Murman, 38; Clements, 2; DeKay, 40; Dorn, 30; Holdcroft,
36; Kauth, 31; Lippincott, 34; Lonowski, 33; Meyer, 17;
Sanders, 45; Sorrentino, 39; Storer, 43.

Read first time January 22, 2025

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to health care; to provide for medical
- 2 conscience-based objections as prescribed.
- 3 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** It is the intent of the Legislature to provide the right
2 of medical conscience for health care providers and payors to ensure they
3 are able to provide care for patients in a manner consistent with their
4 moral, ethical, and religious convictions. Further, it is the intent of
5 the Legislature that licensed health care providers and payors be free
6 from threat of discrimination for providing conscience-based health care.

7 **Sec. 2.** For purposes of sections 1 to 7 of this act:

8 (1) Adverse action means the discharge, transfer, demotion,
9 discipline, suspension, exclusion, revocation of privileges, withholding
10 of bonuses, or reduction in salary or benefits, any action that may
11 negatively impact the advancement or graduation of a student, including,
12 but not limited to, the withholding of scholarship funds, or any other
13 disciplinary or retaliatory action taken against a health care provider;

14 (2) Conscience-based objection means an objection based on a
15 sincerely held religious, moral, or ethical belief. Conscience with
16 respect to entities is determined by reference to the entities' governing
17 documents, any published ethical, moral, or religious guidelines or
18 directives, mission statements, constitutions, articles of incorporation,
19 bylaws, policies, or regulations;

20 (3) Department means the Department of Health and Human Services;

21 (4) Educational institution means a public or private school,
22 college, or university;

23 (5) Health care payor means a health insurer, an employer, a health
24 care sharing organization, a health plan, a health maintenance
25 organization, a management services organization, or any other entity
26 that pays for, or arranges for the payment of, a health care service,
27 whether such payment is in whole or in part;

28 (6) Health care provider has the same meaning as defined in section
29 71-7907. A health care provider includes any student enrolled in an
30 educational institution who is seeking to become a health care provider;

31 (7) Health care service means medical research, medical procedures,

1 or medical services, including, but not limited to, testing, diagnosis,
2 referral, dispensing or administering a drug, medication, or device,
3 psychological therapy or counseling, research, therapy, record-making
4 procedures, set-up or performance of a surgery or procedure, or any other
5 care or services performed or provided by any health care provider;

6 (8) Participate or participation means to pay for, or take part in
7 any way, in providing or facilitating any health care service or any part
8 of such service; and

9 (9) Right of medical conscience means the right of a health care
10 provider or health care payor to abide by sincerely held religious,
11 moral, or ethical beliefs. With respect to health care providers or
12 payors that are entities, such beliefs are determined by reference to the
13 entities' governing documents, any published ethical, moral, or religious
14 guidelines or directives, mission statements, constitutions, articles of
15 incorporation, bylaws, policies, or regulations.

16 **Sec. 3.** (1) A health care provider or health care payor has the
17 right to opt out of participation in, or payment for, any health care
18 service if the provider or payor has a conscience-based objection to
19 participation in the health care service. A health care provider shall,
20 at the time of the conscience-based objection, or as soon as practicable
21 thereafter, provide written notice of the provider's conscience-based
22 objection to the health care provider's supervisor or employer and
23 document the conscience-based objection to the health care service in the
24 patient's medical file. Additionally, if a patient, or potential patient
25 when attempting to schedule an appointment with the provider, indicates
26 to the provider that the patient is seeking a specific health care
27 service for which the provider has a conscience-based objection, the
28 provider shall notify the patient or potential patient that the provider
29 does not provide such service prior to scheduling the appointment. A
30 health care provider who is a student shall provide written notice of the
31 student's conscience-based objection to the educational institution at

1 the time the conscience-based objection is made or as soon as practicable
2 thereafter.

3 (2) The exercise of the right of medical conscience is limited to a
4 conscience-based objection to a specific health care service. This
5 section shall not be construed to (a) waive or modify any duty a health
6 care provider or health care payor may have to provide or pay for other
7 health care services that do not violate the provider's or payor's right
8 of medical conscience, (b) waive or modify any duty to provide any
9 informed consent required by law, or (c) allow a health care provider or
10 payor to opt out of providing health care services to any patient or
11 potential patient because of that patient's or potential patient's race,
12 color, religion, sex, or national origin. Additionally, a health care
13 payor shall not deny payment for a health care service that it is
14 contractually obligated to cover during a plan year.

15 (3) A health care provider shall not be discriminated against or
16 suffer adverse action because the health care provider declined to
17 participate in a health care service on the basis of a conscience-based
18 objection.

19 **Sec. 4.** (1) A health care provider or health care payor may not be
20 discriminated against or suffer any adverse action in any manner with
21 respect to:

22 (a) Providing or causing to be provided, or intending to provide or
23 cause to be provided, information relating to a violation of sections 1
24 to 7 of this act, or an act or omission the health care provider or
25 health care payor reasonably believes to be a violation of a provision of
26 sections 1 to 7 of this act, to the provider or payor's employer, the
27 Attorney General, the department, any other state agency charged with
28 protecting the right of medical conscience, the United States Department
29 of Health and Human Services, the Office for Civil Rights, or any other
30 federal agency charged with protecting the right of medical conscience;

31 (b) Testifying or intending to testify in a proceeding concerning

1 such violation; or

2 (c) Assisting or participating in or intending to assist or
3 participate in such a proceeding.

4 (2) Unless the disclosure is specifically prohibited by law, a
5 health care provider or health care payor shall not be discriminated
6 against in any manner for disclosing information that the health care
7 provider or health care payor reasonably believes constitutes a (a)
8 violation of any law, rule, or regulation, (b) violation of any ethical
9 guidelines for the provision of any medical procedure or service, or (c)
10 practice or method of treatment that may put patient health at risk or
11 present a substantial and specific danger to public health or safety.

12 **Sec. 5.** A health care provider or health care payor may file a
13 complaint with the Attorney General alleging any violation of sections 1
14 to 7 of this act. If the Attorney General determines there has been a
15 violation of sections 1 to 7 of this act, the Attorney General may
16 commence a civil action for damages, injunctive relief, or any other
17 appropriate relief, including attorney's fees. For the purpose of
18 conducting an investigation, the Attorney General may administer oaths,
19 take depositions, make inspections when authorized by law, issue
20 subpoenas supported by affidavit, serve subpoenas and other process, and
21 compel the attendance of witnesses and the production of books, papers,
22 documents, and other evidence. The Attorney General may adopt and
23 promulgate rules and regulations to implement this section.

24 **Sec. 6.** (1) A health care provider or health care payor shall not
25 be held civilly liable solely for declining to participate in, or pay
26 for, a health care service when such provider or payor has a conscience-
27 based objection. However, this section does not limit a person's ability
28 to recover damages or other relief under any other applicable law for a
29 denial of care for any other reason that is not a conscience-based
30 objection.

31 (2) Nothing in this section shall be construed to override any

1 requirement to provide emergency medical treatment in accordance with
2 state law or the Emergency Medical Treatment and Active Labor Act, 42
3 U.S.C. 1395dd.

4 **Sec. 7.** Disciplinary action shall not be instituted against a
5 health care provider's license solely because the health care provider
6 has spoken or written publicly about a health care service or public
7 policy, including, but not limited to, speech through the use of a social
8 media platform, if the health care provider is not using such speech or
9 written communication to provide medical advice or treatment to a patient
10 and if such speech or written communication does not separately violate
11 any other applicable law or rule.