



FLORIDA CONFERENCE OF CATHOLIC BISHOPS
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MEDICAL ETHICS AND DIVERSITY (MED) ACT

Message:
Support conscience protections for health care providers.
SB 1986 (Baxley)

BILL PROVISIONS:

Protects health care workers and entities from being forced to provide services that they find objectionable on ethical, moral or religious grounds.

BACKGROUND:

The freedoms of conscience are foundational rights protected by the Constitution. Many of the federal protections specifically relate to abortion (e.g. Weldon Amendment).

Florida currently provides conscience protections for health care workers in the areas of abortion (F.S. 390.0111), family planning (F.S. 381.0051), death penalty executions (F.S. 922.105) and end of life directives (F.S. 765.1105).

RATIONALE:

The pace of scientific development, in many cases, has outpaced the thoughtful consideration of those developments. In an increasingly secular society, moral and ethical considerations are weighed differently, or not at all. This bill protects individual and institutional providers from being required to perform specific procedures that would violate their moral, ethical or religious beliefs.

This legislation will benefit society and patients by ensuring the supply of physicians and other medical professionals within the health care system. In a 2019 survey of 1,732 members of faith-based medical associations, 91% reported that they “would rather stop practicing medicine altogether than be forced to violate [their] conscience.”¹

¹ Christian Medical Association 2019 survey, <https://www.freedom2care.org/polling>, (accessed January 25, 2021)

OPPONENTS' LIKELY ARGUMENTS AND RESPONSES:

ARGUMENT 1: This bill will prevent people from receiving needed health care.

RESPONSE 1: Not true. First, emergency, lifesaving treatments must always be provided. Current law already requires this and would not be impeded by the MED Act. Furthermore, the interventions that evoke concerns of conscience are in most every case *elective*, and not emergency interventions.

There has never been a requirement that a health care provider must offer every service conceivable, even within areas of specialization. For the elective interventions that could cause concerns of conscience, other providers are almost always available to provide them. While a patient might need to explore other avenues to receive desired services, those services are expected to be available from providers who do not hold the same concerns of conscience.

ARGUMENT 2: This bill will allow providers to discriminate against individuals based on race or other protected characteristic.

RESPONSE 2: No. This bill does not permit providers, institutions, or payers to decline to serve a person based upon their race, color, sex, or any other protected characteristic. This bill simply protects providers from being required to perform specific *procedures*.

SPONSOR AND CO-SPONSORS:

SB 1986 – Sponsor: Baxley

House bill not filed.

***For additional information, please contact:
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