

HOUSE BILL NO. HB0115

Medical Ethics Defense Act.

Sponsored by: Representative(s) Ottman, Schmid, Singh and
Styvar and Senator(s) Hutchings, Ide,
Pearson and Steinmetz

A BILL

for

1 AN ACT relating to public health and safety; allowing
2 health care providers, health care institutions and health
3 care payers the right to refuse to participate in or pay
4 for health care services as specified; authorizing
5 religious-based health care organizations to make decisions
6 consistent with religious beliefs; prohibiting
7 discrimination for making health care decisions based on
8 conscience; prohibiting adverse licensing actions based on
9 protected expressive activity; specifying liability and
10 damages for notice requirements; providing immunity;
11 providing definitions; specifying applicability; requiring
12 rulemaking; and providing for effective dates.

13

14 *Be It Enacted by the Legislature of the State of Wyoming:*

15

1 **Section 1.** W.S. 35-34-101 through 35-34-106 are
2 created to read:

3

4

CHAPTER 34

5

MEDICAL ETHICS DEFENSE ACT

6

7

35-34-101. Short title.

8

9 This chapter shall be known and may be cited as the
10 "Medical Ethics Defense Act."

11

12

35-34-102. Definitions.

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14

(a) As used in this act:

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(i) "Conscience" means the ethical, moral or
religious beliefs or principles held by any health care
provider, health care institution or health care payer. For
health care institutions and health care payers, conscience
shall be determined by reference to the health care
institution's or health care payer's governing documents,
including any published ethical, moral or religious
guidelines or directives, mission statements,

1 constitutions, articles of incorporation, bylaws, policies
2 or regulations;

3

4 (ii) "Discrimination" means an adverse action
5 against or the communication of a threat of adverse action
6 to any health care provider, health care institution or
7 health care payer as a result of a decision by the health
8 care provider, health care institution or health care payer
9 to decline to participate in or pay for any health care
10 service on the basis of the conscience of the health care
11 provider, health care institution or health care payer.

12 "Discrimination" shall not include:

13

14 (A) Declining to use, the refusal to use or
15 the purchase of health care services from a specific health
16 care provider, health care institution or health care payer
17 if that health care provider, health care institution or
18 health care payer exercises the right to refuse to
19 participate in or pay for health care services based on its
20 conscience;

21

1 (B) Good faith efforts to accommodate
2 conscientious objections of a health care provider, health
3 care institution or health care payer.

4

5 (iii) "Health care institution" means as defined
6 by W.S. 35-22-402(a)(x);

7

8 (iv) "Health care payer" means any employer,
9 health plan, health maintenance organization, insurance
10 company, management services corporation or any other
11 entity that pays for or arranges for the payment of any
12 health care service provided to any person, whether the
13 payment is made in whole or in part;

14

15 (v) "Health care provider" means any person who
16 may be or is asked to participate in any health care
17 service, including doctors, nurse practitioners, physician
18 assistants, nurses, nurse aides, allied health
19 professionals, medical assistants, hospital employees,
20 clinic employees, nursing home employees, pharmacists,
21 pharmacy technicians, pharmacy employees, medical school
22 faculty and students, nursing school faculty and students,
23 psychology and counseling faculty and students, medical

1 researchers, laboratory technicians, psychologists,
2 psychiatrists, counselors, mental health professionals,
3 social workers or any other person who facilitates or
4 participates in a health care service;

5

6 (vi) "Health care service" means medical care
7 provided to any person at any time over the course of
8 treatment, including testing, diagnosis, referral, the
9 prescribing, dispensing or administering of any drug,
10 medication or device, psychological therapy or counseling,
11 research, prognosis, therapy, record making or record
12 keeping, notes relating to treatment, the preparation for
13 or performance of a surgery or procedure or any other
14 medical care or service provided by any health care
15 provider;

16

17 (vii) "This act" means W.S. 35-34-101 through
18 35-34-106.

19

20 **35-34-103. Rights of conscience for health care**
21 **providers, health care institutions and health care payers.**

22

1 (a) Each health care provider, health care
2 institution and health care payer shall have the right to
3 refuse to participate in or pay for any health care service
4 that violates the health care provider's, health care
5 institution's or health care payer's conscience. The right
6 of conscience provided under this subsection shall:

7

8 (i) Be limited to a specific health care
9 service;

10

11 (ii) Not be construed to waive or modify any
12 duty a health care provider, health care institution or
13 health care payer has to provide or pay for health care
14 services that do not violate the health care provider's,
15 health care institution's or health care payer's
16 conscience;

17

18 (iii) Not be construed to waive or modify any
19 duty of a health care provider or health care institution
20 to provide other health care services or provide emergency
21 medical treatment under 42 U.S.C. § 1395dd.

22

1 (b) Notwithstanding any other provision of this act,
2 a religious health care provider, health care institution
3 or health care payer that holds itself out to the public as
4 religious, states in its governing documents that it has a
5 religious purpose or mission and has internal operating
6 policies and procedures that implement its religious
7 beliefs shall have the right to make employment, staffing,
8 contracting and admitting privilege decisions consistent
9 with its religious beliefs.

10

11 (c) No health care provider shall be scheduled for,
12 assigned or requested to directly or indirectly perform,
13 facilitate, refer for or participate in any abortion unless
14 the health care provider first affirmatively consents in
15 writing to perform, facilitate, refer for or participate in
16 the abortion.

17

18 (d) Each health care institution shall adopt internal
19 policies, programs, plans or procedures for each health
20 care provider employed, contracted or granted admitting
21 privileges by the health care institution for the health
22 care provider to exercise the right to refuse to
23 participate in a health care service based on the health

1 care provider's conscience as provided by subsection (a) of
2 this section.

3

4 (e) Each health care payer shall adopt internal
5 policies, programs, plans or procedures for:

6

7 (i) How the health care payer may exercise its
8 right to refuse to pay for a health care service based on
9 its conscience as provided by subsection (a) of this
10 section;

11

12 (ii) The resolution of conflicts arising between
13 a health care payer exercising the right to refuse to pay
14 for a health care service based on its conscience as
15 provided by subsection (a) of this section and a health
16 care institution or health care provider who provided the
17 health care service to the patient.

18

19 (f) A health care payer shall file and update the
20 conscience policies established under subsection (e) of
21 this section not less than annually with the state
22 insurance department by including a comprehensive list, by
23 billing code, of any products, services and procedures that

1 the health care payer will not pay or make payment for
2 based on its conscience. The annual filing shall be
3 submitted annually to each beneficiary of the health care
4 payer.

5

6 (g) A health care payer shall not refuse or reduce
7 payments based on its conscience to a health care provider,
8 health care institution or a beneficiary for any product,
9 service or procedure that is not included in the annual
10 filing required under subsection (f) of this section.

11

12 **35-34-104. Participation in health care services;**
13 **discrimination prohibited.**

14

15 (a) No person or entity shall discriminate against
16 any health care provider, health care institution or health
17 care payer for exercising the right to refuse to
18 participate in or pay for health care services based on
19 conscience under this act.

20

21 (b) No person or entity shall discriminate against a
22 health care provider or health care institution for:

23

1 (i) Providing the health care provider's
2 employer, the department of health or the attorney general
3 of Wyoming information relating to any violation of or any
4 act or omission that the health care provider or health
5 care institution reasonably believes violates this act; or

6

7 (ii) Testifying, assisting, participating or
8 agreeing to testify, assist or participate in a proceeding
9 concerning a violation of this act.

10

11 (c) Unless the disclosure is specifically prohibited
12 by law, no health care provider shall be subject to
13 discrimination for disclosing any information that the
14 health care provider reasonably believes violates:

15

16 (i) Any federal or state law, rule or
17 regulation;

18

19 (ii) Any standard of care or other ethical
20 guidelines for the provision of any health care service; or

21

22 (iii) Gross mismanagement, a gross waste of
23 funds, an abuse of authority, practice or methods of

1 treatment that may place a patient's health at risk or a
2 substantial and specific danger to public health or safety.

3

4 (d) The department of health or a board, certifying
5 agency or licensing agency shall not reprimand, sanction or
6 revoke or threaten to revoke a license, certificate,
7 certification or registration of a health care provider for
8 engaging in speech or expressive activity protected by the
9 first amendment to the United States constitution unless
10 the department, board or agency demonstrates beyond a
11 reasonable doubt that the health care provider's speech was
12 the direct cause of physical harm to a person with whom the
13 health care provider had established a health care
14 provider-patient relationship within the immediately
15 preceding three (3) years before the incident of physical
16 harm.

17

18 (e) Not later than fourteen (14) days after receipt,
19 the department of health or any board, certifying agency or
20 licensing agency, as applicable to the health care
21 provider, shall provide a health care provider with notice
22 of any complaint or action to suspend or revoke the health
23 care provider's license, certificate, certification or

1 registration. The department or a board or agency that
2 fails to provide notice under this subsection shall be
3 liable for damages of five hundred dollars (\$500.00) for
4 each full or partial week that the notice is not provided
5 to the health care provider. This subsection shall not
6 apply if notice of a complaint or action is required to be
7 provided within a shorter period of time under another
8 provision of law.

9

10 **35-34-105. Right of conscience and right of refusal;**
11 **immunity from liability.**

12

13 (a) No health care provider, health care institution
14 or health care payer shall be subject to civil or criminal
15 liability for exercising the right to refuse to participate
16 in or pay for any health care service based on the right of
17 conscience provided in W.S. 35-34-103(a).

18

19 (b) No health care institution shall be subject to
20 civil or criminal liability for a health care provider
21 employed, contracted or granted admitting privileges by the
22 health care institution for the health care provider
23 exercising the provider's right to refuse to participate in

1 a health care service based on the right of conscience
2 provided under W.S. 35-34-103(a).

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4 **35-34-106. Health care services and right of**
5 **conscience; civil remedies.**

6

7 A health care provider, health care institution or health
8 care payer may bring a civil action for damages or
9 injunctive relief, or both, in a court of competent
10 jurisdiction for any alleged violation of this act.

11

12 **Section 2.**

13

14 (a) This act shall apply to health care services
15 provided, and health care payment obligations, that were
16 provided or arose on and after July 1, 2025.

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18 (b) This act shall not be construed to supersede any
19 law of the state that is equally as protective of the
20 conscience or more protective of the conscience than this
21 act.

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