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2025

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:

A BILL FOR AN ACT relating to health care; to provide for medical conscience-based objections as prescribed.

Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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such violation; or

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

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

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

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

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

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

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