

112TH CONGRESS
2^D SESSION

S. 2043

To amend title XXVII of the Public Health Service Act to provide religious conscience protections for individuals and organizations.

IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2012

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend title XXVII of the Public Health Service Act to provide religious conscience protections for individuals and organizations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Religious Freedom
5 Restoration Act of 2012”.

6 **SEC. 2. FINDING.**

7 Congress finds that—

8 (1) religious freedom and liberty of conscience
9 are inalienable rights protected by the Declaration of

1 Independence and the First Amendment to the
2 United States Constitution;

3 (2) on August 1, 2011, the Department of
4 Health and Human Services issued a mandate re-
5 quiring individual and group health plans to cover
6 free sterilization and all Food and Drug Administra-
7 tion-approved contraceptives, including drugs that
8 many believe induce abortions;

9 (3) the mandate’s exemption for “religious em-
10 ployers” excludes those religious organizations, in-
11 cluding charities, hospitals, schools or soup kitchens,
12 that hire or serve individuals who do not share their
13 religious tenets;

14 (4) that narrow exemption, unprecedented in
15 Federal law, excludes thousands of religiously affili-
16 ated hospitals, schools, charities, and businesses;
17 and

18 (5) despite receiving thousands of comments
19 protesting the absurdly narrow exemption, the De-
20 partment of Health and Human Services nonetheless
21 announced on January 20, 2012, that it would not
22 broaden the exemption but would instead give reli-
23 gious institutions an additional year to “adapt” their
24 consciences to the mandate.

1 **SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE**
2 **ACT.**

3 Section 2713 of the Public Health Service Act (42
4 U.S.C. 300gg-13) is amended by adding at the end the
5 following:

6 “(d) CONSCIENCE PROTECTIONS.—

7 “(1) IN GENERAL.—No guideline or regulation
8 issued pursuant to subsection (a)(4), or any other
9 provision of the Patient Protection and Affordable
10 Health Care Act, or the amendments made by that
11 Act (Public Law 110-148), shall—

12 “(A) require any individual or entity to
13 offer, provide, or purchase coverage for a con-
14 traceptive or sterilization service, or related
15 education or counseling, to which that indi-
16 vidual or entity is opposed on the basis of reli-
17 gious belief; or

18 “(B) require any individual or entity op-
19 posed by reason of religious belief to provide
20 coverage of a contraceptive or sterilization serv-
21 ice or to engage in government-mandated
22 speech regarding such a service.

23 “(2) RULE OF CONSTRUCTION.—Nothing in the
24 Patient Protection and Affordable Health Care Act,
25 or the amendments made by that Act (Public Law
26 110-148), and no regulations or guidelines issued

1 under such Act (or amendments) shall be construed
2 to authorize the imposition of a fine, penalty, or
3 other sanction, or to otherwise disadvantage an indi-
4 vidual or entity on the basis of a religiously based
5 decision made by that individual or entity to not
6 offer, provide, or purchase coverage for a contracep-
7 tive or sterilization service, or to engage in govern-
8 ment-mandated speech regarding such services.”.

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