

SENATE BILL REPORT

SB 5879

As of January 21, 2004

Title: An act relating to conscience clauses.

Brief Description: Strengthening conscience clauses.

Sponsors: Senators Prentice, Deccio, Mulliken, Parlette, Rasmussen and Stevens.

Brief History:

Committee Activity: Children & Family Services & Corrections: 1/23/04.

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Staff: Edith Rice (786-7444)

Background: Current law provides that no individual or organization with a religious or moral tenet opposed to a specific health care service may be required to purchase insurance coverage for that service if they object to doing so for reason of conscience or religion.

In August 2002, the Attorney General issued an opinion at the request of the Insurance Commissioner regarding the application of this law in the case of prescription contraceptives. Among other things, the opinion interprets the law to be "a limited right of conscientious objection" prohibiting only those situations where the employer is a direct party to the transaction. It indicates that "So long as the employer is not required to 'purchase' the coverage, however, there might be lawful ways of covering these costs through more indirect employer charges."

Summary of Bill: Conscience clauses are recognized as protecting constitutional First Amendment rights. Conscience clauses providing that no person may be required to pay for or provide biomedical services to which they have a bona fide religious objection are included in the chapters on managed health care and the Basic Health Plan.

Appropriation: None.

Fiscal Note: Requested on January 19, 2004

Effective Date: Ninety days after adjournment of session in which bill is passed.