

Session 119 - (2011-2012)

H 3408 General Bill, By Delleney, Lucas, Simrill, Hiott, Limehouse, Bowen, Bedingfield, Pinson, J.R. Smith, G.M. Smith, Bingham, Thayer, V.S. Moss, Brannon, Bikas, Cooper, Allison, Toole, Parker, G.R. Smith, Frye, Atwater, Henderson, McCoy, Ballentine, Clemons, Hixon, D.C. Moss, Pitts, Young, Quinn, Willis, Viers, Sandifer, Stringer, Nanney, Hamilton, Owens and Huggins

Summary: Freedom of Conscience Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5, TO CHAPTER 41, TITLE 44, TO ENACT THE "FREEDOM OF CONSCIENCE ACT" SO AS TO PROHIBIT AN EMPLOYER FROM DISMISSING, DEMOTING, SUSPENDING, DISCIPLINING OR DISCRIMINATING AGAINST AN EMPLOYEE WHO ADVISES THE EMPLOYER THAT HE OR SHE REFUSES TO PARTICIPATE IN CERTAIN ACTIVITIES INCLUDING, BUT NOT LIMITED TO, PROCEDURES RELATED TO EMBRYONIC TISSUE OR A DEVELOPING CHILD IN AN ARTIFICIAL OR NATURAL WOMB; TO PROVIDE THAT A HEALTH CARE FACILITY IS NOT REQUIRED TO ADMIT A PATIENT, OR TO ALLOW THE USE OF THE FACILITY FOR PROCEDURES INCLUDING, BUT NOT LIMITED TO, PROCEDURES RELATED TO EMBRYONIC TISSUE OR A DEVELOPING CHILD IN AN ARTIFICIAL OR NATURAL WOMB AND TO PROVIDE THAT CERTAIN HEALTH CARE PROVIDERS AND EMPLOYEES OF SUCH PROVIDERS WHO PROVIDED NOTICE THAT THEY WILL NOT PARTICIPATE IN SUCH ACTIVITIES MUST NOT BE REQUIRED TO PARTICIPATE, MUST NOT BE DISCIPLINED DUE TO SUCH REFUSAL, AND ARE IMMUNE FROM LIABILITY FOR ANY DAMAGES CAUSED BY SUCH REFUSAL; TO PROVIDE THAT THE STATE MUST NOT REQUIRE AN INSURANCE PLAN OR ISSUER TO COVER PROCEDURES INCLUDING, BUT LIMITED TO, PROCEDURES RELATING TO EMBRYONIC TISSUE OR DEVELOPMENT OF A CHILD IN AN ARTIFICIAL OR NATURAL WOMB; TO PROHIBIT A HEALTH CARE FACILITY, SCHOOL, OR EMPLOYER FROM DISCRIMINATING AGAINST A PERSON REGARDING ADMISSION, HIRING OR FIRING, TERMS OF EMPLOYMENT, OR STUDENT OR STAFF STATUS BECAUSE THE PERSON REFUSES, WHETHER OR NOT IN WRITING, TO PARTICIPATE IN PROCEDURES INCLUDING, BUT NOT LIMITED TO, PROCEDURES RELATED TO EMBRYONIC TISSUE OR A DEVELOPING CHILD IN AN ARTIFICIAL OR NATURAL WOMB; TO PROVIDE THAT A PERSON MUST NOT BE REQUIRED TO PARTICIPATE IN, MAKE FACILITIES AVAILABLE FOR, OR PROVIDE PERSONNEL FOR PROCEDURES INCLUDING, BUT LIMITED TO, PROCEDURES RELATING TO EMBRYONIC TISSUE OR DEVELOPMENT OF A CHILD IN AN ARTIFICIAL OR NATURAL WOMB IF THE ACTIVITY IS CONTRARY TO THE PERSON'S CONSCIENCE; TO PROHIBIT DISCRIMINATION AGAINST A PERSON ESTABLISHING OR OPERATING A HEALTH CARE FACILITY BECAUSE THE FACILITY DECLINES TO PARTICIPATE IN A HEALTH CARE SERVICE THAT IS CONTRARY TO THE FACILITY'S CONSCIENCE; AND TO PROVIDE THAT A PERSON ADVERSELY AFFECTED BY CONDUCT THAT IS IN VIOLATION OF THIS ARTICLE MAY BRING A CIVIL ACTION FOR EQUITABLE RELIEF AND IF THE PERSON PREVAILS, THE COURT SHALL AWARD ATTORNEY'S FEES.

01/20/11	House	Introduced and read first time (House Journal-page 12)
01/20/11	House	Referred to Committee on Judiciary (House Journal-page 12)
02/23/11	House	Member(s) request name added as sponsor: Quinn
02/23/11	House	Committee report: Favorable with amendment Judiciary (House Journal-page 5)
02/24/11	House	Member(s) request name added as sponsor: Willis, Viers
02/24/11		Scrivener's error corrected
03/01/11	House	Member(s) request name added as sponsor: Sandifer, Stringer, Nanney, Hamilton, Owens
03/02/11	House	Objection by Rep. Cobb-Hunter (House Journal-page 45)
03/02/11	House	Requests for debate-Rep(s). Sellers, Whipper, Hodges, Weeks, Dillard, Hosey, Jefferson, King, Brantley, JH Neal, Daning, Mack, Simrill, Delleney, Corbin, Viers, Hearn, Hamilton, and GR Smith (House Journal-page 45)
03/10/11	House	Debate adjourned until Tuesday, March 15, 2011 (House Journal-page 42)
03/29/11	House	Member(s) request name added as sponsor: Huggins
03/29/11	House	Amended (House Journal-page 35)
03/29/11	House	Read second time (House Journal-page 35)
03/29/11	House	Roll call Yeas-69 Nays-41 (House Journal-page 51)
03/30/11	House	Read third time and sent to Senate (House Journal-page 35)
03/30/11		Scrivener's error corrected
03/31/11	Senate	Introduced and read first time (Senate Journal-page 5)
03/31/11	Senate	Referred to Committee on Medical Affairs (Senate Journal-page 5)