

On page 14, following line 9, by inserting:

"New Sec. 23. (a) The provisions of this section shall be known and may be cited as the conscience protection act.

(b) The purpose of the conscience protection act is to encourage and safeguard the right of healthcare providers and entities to exercise conscience in decisions to provide healthcare services and to protect healthcare providers and entities from discrimination or retaliation as a result of conscientious medical objection.

(c) Notwithstanding any other provision of state law, and to the extent allowed by federal law, a healthcare provider shall have the right to not participate in any healthcare service when the healthcare service would violate such provider or entity's conscience.

(1) A healthcare provider or entity's decision not to participate in a healthcare service that would violate the provider or entity's conscience shall not form the basis for any civil or criminal liability or administrative action under any state or local law.

(2) It shall be unlawful for any person, firm, corporation or governmental entity to discriminate against any healthcare provider or entity as a result of such provider or entity's decision not to participate in a healthcare service that would violate such provider or entity's conscience.

(d) A healthcare provider or entity that exercises the right of conscience shall:

(1) Promptly inform a patient or an individual authorized to make healthcare decisions on behalf of a patient if the healthcare provider or entity decides not to participate in the healthcare service for reasons of conscience; and

(2) make reasonable efforts to assist in a prompt transfer of a patient if requested by the patient or on behalf of the patient.

(e) No person shall intimidate, threaten, coerce or discriminate against any healthcare provider or entity for the purpose of interfering with any right protected by this act, or because a healthcare provider or entity makes a complaint, testifies, assists, participates in an investigation, proceeding or hearing under this act, exercises or aids or encourages others to exercise the rights protected under this act.

(f) Nothing in this act shall relieve a healthcare provider or entity from performing any act that, if not performed, would subject the healthcare provider or entity to disciplinary action by the licensing agency responsible for the supervision and licensure of such healthcare provider or entity.

(g) (1) A healthcare provider or entity who has been aggrieved by a violation of this section may bring a cause of action in an appropriate state court for such violation and seek appropriate relief, including, but not limited to:

- (A) Actual damages, including lost wages and other benefits suffered by the plaintiff;
- (B) punitive damages, if the court finds the violation was willful, wanton or malicious;
- (C) statutory damages in the amount of \$10,000;
- (D) injunctive relief to restrain violations of the provisions of this section against further violations of this section; and
- (E) any other necessary or appropriate relief.

(2) The court shall award a prevailing plaintiff the cost of the suit, including reasonable attorney fees.

(3) Notwithstanding any other provision of law, any action commenced under this section shall be filed within two years after the date the plaintiff experienced the act of discrimination.

(4) If judgment is rendered in favor of the defendant in an action brought under this section, and the court finds the plaintiff's action was frivolous and brought in bad faith, the court shall award reasonable attorney fees to the defendant in addition to any other relief that is awarded.

(h) As used in this section:

(1) "Conscience" means the deeply held religious, moral, ethical or philosophical beliefs or principles of a healthcare provider or healthcare entity. "Conscience" of a healthcare entity may be determined by an entity's governing documents, including but not limited to: Published religious, moral or ethical guidelines; mission statements; constitutions; articles of incorporation; bylaws; policies; or regulations.

(2) "Discrimination" means any adverse action taken against, or any threat of adverse or retaliatory action communicated to any healthcare provider or healthcare entity as a result of such provider or entity's decision not to participate in a healthcare service on the basis of conscience.

(3) "Healthcare entity" means any facility licensed under chapter 39 or 65 of the Kansas Statutes Annotated, and amendments thereto, that provides healthcare services, regardless of how such entity is incorporated or organized.

(4) "Healthcare provider" means any person licensed or otherwise authorized by law to provide healthcare services in this state.

(5) "Healthcare service" means any activity within a provider's authorized scope of practice for the diagnosis, cure or treatment of any injury, infirmity, disease, physical or mental illness or psychological disorder, of human beings. "Healthcare service" does not mean emergency medical care where failure to provide immediate medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part or would place the person's health in serious jeopardy.

(6) "Participate" in a healthcare service means to provide, perform, assist with, facilitate, refer for, counsel for, advise with regard to, admit for the purposes of providing or taking part in any healthcare service."

And by renumbering sections accordingly