

112TH CONGRESS
2D SESSION

S. _____

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

_____ introduced the following bill; which was read twice and referred to the Committee on _____

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;

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.”.