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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDING.

Congress finds that—

(1) religious freedom and liberty of conscience are inalienable rights protected by the Declaration of
Independence and the First Amendment to the United States Constitution;

(2) on August 1, 2011, the Department of Health and Human Services issued a mandate requiring individual and group health plans to cover free sterilization and all Food and Drug Administration-approved contraceptives, including drugs that many believe induce abortions;

(3) the mandate’s exemption for “religious employers” excludes those religious organizations, including charities, hospitals, schools or soup kitchens, that hire or serve individuals who do not share their religious tenets;

(4) that narrow exemption, unprecedented in Federal law, excludes thousands of religiously-affiliated hospitals, schools, charities, and businesses; and

(5) despite receiving thousands of comments protesting the absurdly narrow exemption, the Department of Health and Human Services nonetheless announced on January 20, 2012, that it would not broaden the exemption but would instead give religious institutions an additional year to “adapt” their consciences to the mandate.
Section 2713 of the Public Health Service Act (42 U.S.C. 300gg-13) is amended by adding at the end the following:

“(d) CONSCIENCE PROTECTIONS.—

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

“(A) require any individual or entity to offer, provide, or purchase coverage for a contraceptive or sterilization service, or related education or counseling, to which that individual or entity is opposed on the basis of religious belief;

“(B) require any individual or entity opposed by reason of religious belief to provide coverage of a contraceptive or sterilization service or to engage in government-mandated speech regarding such a service.

“(2) RULE OF CONSTRUCTION.—Nothing in the Patient Protection and Affordable Health Care Act, or the amendments made by that Act (Public Law 110-148), and no regulations or guidelines issued
under such Act (or amendments) shall be construed
to authorize the imposition of a fine, penalty, or
other sanction, or to otherwise disadvantage an indi-
vidual or entity on the basis of a religiously-based
decision made by that individual or entity to not
offer, provide, or purchase coverage for a contracep-
tive or sterilization service, or to engage in govern-
ment-mandated speech regarding such services.”.