

HHS's Attacks on Health-Care Rights of Conscience

RACHEL N. MORRISON AND ERIC KNIFFIN

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Congress has passed more than two dozen federal laws that protect health-care providers who object to participating in abortion or certain other medical interventions against their religious beliefs or moral convictions.¹ However, these laws are not enforced the same way as most civil rights laws. That is because federal conscience protection laws do not explicitly give health care providers the power to bring a lawsuit in federal court to vindicate these rights, and federal courts have found that no such power exists. Without a private right of action, the Department of Health and Human Services (HHS) is often the only entity with the power to enforce these guaranteed conscience rights. Moreover, HHS's only enforcement mechanism for conscience protection laws is denying funding to the covered health-care entity.² The blunt nature of this enforcement mechanism can make enforcing conscience protection laws politically fraught because critics can accuse the administration of prioritizing the conscience rights of one individual over the community's health-care needs.

In practice, this means that federal conscience protection laws are enforced very differently under different presidents. We are grateful for the vigorous efforts HHS took to enforce conscience rights under the

first Trump administration and are excited to see that strong commitment to civil rights continued under the current administration.³ However, recent experience shows that Americans cannot reasonably expect the same to be true under future Democratic administrations. As documented below, the Biden administration systemically dismantled HHS's ability to carry out its legal duty to enforce the federal conscience protection laws.⁴ We outline steps Congress and the Trump administration can take to strengthen health-care workers' religious freedom and conscience rights even during Democratic administrations.

A. Dismantled Enforcement

Xavier Becerra's first budget as HHS secretary erased nearly all mention of the agency's statutory duty to protect rights of conscience and religious freedom.⁵ When pressed, the Biden White House even refused to acknowledge that federal law protects doctors from being forced to perform abortions and sex-rejecting surgeries.⁶

The Biden administration eliminated the HHS Conscience and Religious Freedom Division, which

¹ See HHS, *Conscience and Religious Freedom: Your Protections Against Discrimination Based on Conscience and Religion* (last reviewed Sept. 4, 2025), <https://www.hhs.gov/conscience/your-protections-against-discrimination-based-on-conscience-and-religion/index.html>. See also Appendix (collecting laws).

² See, e.g., HHS, *Conscience and Religious Freedom: Your Protections Against Discrimination Based on Conscience and Religion* (last reviewed Sept. 4, 2025), <https://www.hhs.gov/conscience/your-protections-against-discrimination-based-on-conscience-and-religion/index.html> ("OCR enforces Federal protections against discrimination based on conscience and religion in specific programs funded by HHS federal financial assistance. Conscience protections apply to certain health care providers, patients, and other participants in specific federal programs who refuse on religious or moral grounds to participate in certain health care services.").

³ Statement from Dr. Dorothy Fink, Acting Secretary, HHS (Jan. 27, 2025), <https://www.hhs.gov/press-room/dr-fink-statement.html>.

⁴ For more on these actions, see Rachel N. Morrison, *In Its First Year, Biden's HHS Relentlessly Attacked Christians and Unborn Babies*, *The Federalist* (Mar. 18, 2022), <https://thefederalist.com/2022/03/18/in-its-first-year-bidens-hhs-relentlessly-attacked-christians-and-unborn-babies/>.

⁵ See Roger Severino, *The Biden-Becerra Budget: Equity Is In, Religious Freedom Is Out*, *National Review* (June 11, 2021), <https://www.nationalreview.com/2021/06/the-biden-becerra-budget-equity-is-in-religious-freedom-is-out/> (citing HHS, *Justification of Estimates for Appropriations Committees, Fiscal Year 2022*, <https://web.archive.org/web/20250109063643/https://www.hhs.gov/sites/default/files/fy2022-gdm-operating-plan.pdf#page=259>).

⁶ *White House Silent on Conscience Concerns in Health Care*, *Catholic News Agency* (Mar. 2, 2021), <https://www.catholicnewsagency.com/news/246687/white-house-silent-on-conscience-concerns-in-health-care>.

was created under the first Trump administration to guarantee enforcement of conscience and religious freedom laws.⁷ It also withdrew the authority of the HHS Office for Civil Rights (OCR) to enforce conscience and religious freedom protections under the Religious Freedom Restoration Act (RFRA) and the First Amendment.⁸ As discussed below, the Biden-Becerra HHS rewrote the first Trump administration’s conscience rule and removed substantive regulations, including enforcement procedures.⁹

B. Failed Enforcement of Conscience Protection Laws

In the spring of 2024, the final year of the Biden administration, HHS’s “Conscience and Religious Non-discrimination” website listed only three “recent actions” taken under the Biden administration—all from 2021.¹⁰ A fourth action, from 2023, was eventually added (in addition to the Biden conscience rule, which we discuss separately below). Yet that was not the worst of it: none of these four “actions” involve HHS enforcing federal conscience or religious freedom protections for health-care providers.¹¹

The first two “recent actions” each involved *stopping* HHS’s enforcement efforts under the Trump administration. The first was a July 2021 HHS letter informing the University of Vermont Medical Center that HHS was withdrawing its finding that the Center had violated a nurse’s conscience rights.¹²

In 2019, OCR found that the hospital had violated the Church Amendments by forcing the nurse to participate in an abortion over her known conscience objection.¹³ The Church Amendments protect conscience rights of individuals and entities related to abortion and certain other health services.¹⁴ In 2020, after the hospital refused to change its policies to comply with the law, the Department of Justice’s (DOJ) Civil Rights Division sued the hospital in federal court.¹⁵ But, as noted in the Biden HHS’s 2021 letter, DOJ dismissed the case without any settlement, agreement, or compensation for the nurse.¹⁶

The second “recent action” was an August 2021 letter informing California that HHS was withdrawing two notices of violation that the agency had issued against Becerra, who was then California’s attorney general.¹⁷ The first notice of violation, issued in January 2020, found that Becerra had violated federal conscience protection laws by forcing nuns and others to provide health insurance coverage for

⁷ HHS, *HHS Announces New Divisions Within the Office for Civil Rights to Better Address Growing Need of Enforcement in Recent Years* Department of Health and Human Services (Feb. 27, 2023), <https://web.archive.org/web/20230228074727/https://www.hhs.gov/about/news/2023/02/27/hhs-announces-new-divisions-within-office-civil-rights-better-address-growing-need-enforcement-recent-years.html>.

⁸ HHS, Off. of the Sec’y, Delegation of Authority, 86 Fed. Reg. 67067, <https://www.federalregister.gov/documents/2021/11/24/2021-25632/delegation-of-authority>.

⁹ Rachel N. Morrison & Eric N. Kniffin, *HHS Issues Final Rule on Conscience Rights in Healthcare*, FedSoc Blog (Jan. 31, 2024), <https://fedsoc.org/commentary/fedsoc-blog/hhs-issues-final-rule-on-conscience-rights-in-healthcare>.

¹⁰ OCR, HHS, *Your Protections Against Discrimination Based on Conscience and Religion* (last updated Nov. 25, 2024), <https://web.archive.org/web/20250119065720/https://www.hhs.gov/conscience/your-protections-against-discrimination-based-on-conscience-and-religion/index.html>.

¹¹ The descriptions of these first three examples draw heavily from Rachel N. Morrison, *The Biden Administration’s Dubious Record on Conscience Rights*, National Review (Apr. 3, 2024), <https://www.nationalreview.com/bench-memos/the-biden-administrations-dubious-record-on-conscience-rights/>.

¹² OCR, HHS, *University of Vermont Medical Center Letter* (July 30, 2021), <https://www.hhs.gov/conscience/conscience-protections/uvmmc-letter/index.html>.

¹³ OCR, HHS, *Letter Re: OCR Transaction Number 18-306427* (Aug. 28, 2019), https://www.hhs.gov/sites/default/files/uvmmc-nov-letter_508.pdf.

¹⁴ Church Amendments, 42 U.S.C. § 300a-7, <https://www.hhs.gov/sites/default/files/ocr/civilrights/understanding/ConscienceProtect/42usc300a7.pdf>.

¹⁵ Press Release, DOJ, *Justice Department Defends Health Care Workers from Being Forced to Perform Abortions with Vermont Lawsuit* (Dec. 16, 2020), <https://www.justice.gov/archives/opa/pr/justice-department-defends-health-care-workers-being-forced-perform-abortion-vermont-lawsuit>.

¹⁶ *US Dismisses Suit Against Vermont Hospital Over Abortions*, Associated Press (Aug. 2, 2021), <https://apnews.com/article/business-religion-vermont-3ba43d690bad76f3f9680df4ad99bcd3>.

¹⁷ OCR, HHS, *State of California Letter* (Aug. 13, 2021), <https://www.hhs.gov/conscience/conscience-protections/ca-letter/index.html>.

abortion.¹⁸ For example, HHS found that Becerra had violated the Weldon Amendment, which prohibits discrimination against health-care entities that do not provide, pay for, provide coverage of, or refer for abortions.¹⁹ The second notice, issued in January 2021, notified Becerra that HHS was refusing to provide California with \$200 million in Medicaid funds because of its “continued non-compliant status under the Weldon Amendment.”²⁰

The 2021 letter absolving Becerra for his actions as California attorney general was issued mere months after Becerra was confirmed as the secretary of HHS. This letter was premised on HHS’s claim that only a health-care plan *issuer* has conscience rights under the Weldon Amendment; a health-care plan *sponsor* (in most cases the employer) has no such right. Under this narrow interpretation of what counts as a “health care entity” under the Weldon Amendment, Biden’s HHS held that it was lawful for California to force Catholic nuns to cover abortion in their health plans.

The third “recent action” listed by the Biden HHS was its September 2021 guidance on the Church Amendments. This guidance emphasizes that the amendments protect “health care personnel who perform or assist in the performance of a lawful abortion.”²¹ It provides four examples of personnel participating in lawful abortions, *but none address situations involving health-care personnel who refuse to perform abortions.* Notably, the guidance relies on pre-*Dobbs* abortion

cases to define “lawful abortion,” yet HHS failed to note or update this guidance after the Supreme Court decided *Dobbs v. Jackson* in 2022.

The fourth and final “recent action” was like the second. As it had done in California, the Trump HHS opened an investigation into whether Illinois’s health insurance abortion mandate violated religious employers’ rights under the Weldon Amendment.²² But in February 2023, HHS OCR issued a letter closing the matter, claiming that the state law requiring abortion coverage did not violate the Weldon Amendment, again because the complainants were religious employers and not health plan issuers.²³ In support, the letter cited the August 2021 California Notice of Withdrawal and a 2016 letter from the Obama administration’s OCR Director Jocelyn Samuels. (Samuels was later appointed by Biden to be commissioner of the Equal Employment Opportunity Commission [EEOC]; the EEOC under President Biden showed disdain for religious rights).²⁴

PROPOSED ACTION: *The administration could encourage Congress to pass the Conscience Protection Act,²⁵ which would create a private right of action under federal conscience protection laws.²⁶ Passing this act would be the best way to ensure that conscience rights are consistently enforced, regardless of who is president. Courts are well equipped to enforce federal civil rights laws and can fine-tune damage awards that properly address the violation in any*

¹⁸ OCR, HHS, Notice of Violation—OCR Transaction Numbers 17-274771 and 17-283890 (Jan. 24, 2020), <https://www.hhs.gov/sites/default/files/ca-notice-of-violation-abortion-insurance-cases-01-24-2020.pdf>.

¹⁹ Weldon Amendment, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2024, Pub. Law No. 118-47, 138 Stat. 460, 703, as carried forward by the Full-Year Continuing Appropriations and Extensions Act, 2025, Pub. Law No. 119-4, 139 Stat. 9 (2025), https://www.hhs.gov/sites/default/files/weldon_ammendment.pdf.

²⁰ CMS, HHS, Notice of Disallowance (Jan. 15, 2021), <https://s27319.pcdn.co/wp-content/uploads/2021/01/CA-Disallowance-Letter-CA-2021-001-MAP--01.15.21.pdf>.

²¹ OCR, HHS, Guidance on Nondiscrimination Protections Under the Church Amendments for Health Care Personnel (Sept. 17, 2021), <https://www.hhs.gov/sites/default/files/church-guidance.pdf>.

²² OCR, HHS, State of Illinois Investigation Letter (Jan. 19, 2021), <https://web.archive.org/web/20210127232149/https://www.thomasmoresociety.org/wp-content/uploads/2021/01/Acceptance-Letter-Thomas-More-Society-v.-State-of-Illinois-20-361761-1.pdf>.

²³ OCR, HHS, Notice of Violation—OCR Transaction Numbers DO-20-361761 and DO-20-366673 (Feb. 17, 2023), <https://web.archive.org/web/20250109065353/https://www.hhs.gov/sites/default/files/closure-letter.pdf>.

²⁴ See, EPPC, *EEOC’s Disdain for Religious Liberty Rights*, <https://eppc.org/wp-content/uploads/2025/11/25-11-pt3-EEOCs-Disdain-for-Religious-Liberty-Rights.pdf>.

²⁵ Conscience Protection Act of 2025, H.R. 3411, 119th Cong. (1st Sess., introduced May 14, 2025), <https://www.congress.gov/bill/119th-congress/house-bill/3411>.

²⁶ See, e.g., Press Release, Office of Sen. James Lankford, Lankford Continues Push to Safeguard Conscience Rights of Health Care Workers (May 14, 2025), <https://www.lankford.senate.gov/news/press-releases/lankford-continues-push-to-safeguard-conscience-rights-of-health-care-workers/>.

given case. The executive branch would retain its current authority to bring suit to address a pattern or practice of violating conscience protection statutes, as the Trump administration did in the University of Vermont Medical Center case referenced above.²⁷

PROPOSED ACTION: HHS or the DOJ’s Office of Legal Counsel could issue a legal memorandum refuting the Biden HHS’s claim that the Weldon Amendment does not offer religious employers protections against state abortion insurance mandates.

C. Subpar Conscience Regulations

In January 2024, HHS issued a final rule entitled “Safeguarding the Rights of Conscience as Protected by Federal Statutes.”²⁸ Though this final rule promised that HHS “takes seriously its obligations to comply with the Federal health care conscience protection statutes,”²⁹ the rule removed substantive regulations, including definitions, enforcement procedures, and explanations of those statutes.³⁰ These changes were made over objections raising conscience and religious freedom concerns.³¹

The Biden administration had previously claimed in its proposed rule that these revisions were necessary because the Trump administration’s final rules on conscience protection statutes “have been deemed un-

lawful in district court decisions that raise significant questions as to whether they exceed the scope of the Department’s housekeeping authority.”³² However, as we explained in our public comments on the proposal, these district court decisions were flawed, and the proposed rule did “little to describe each court’s rationale or identify what HHS agrees or disagrees with in each.”³³ Nonetheless, the Biden HHS’s final rule continued to rely on these flawed district court decisions to justify its new rulemaking.³⁴

In the proposed rule, HHS repeatedly asserted that it was obliged to “balance” conscience rights against other interests such as “access to health care.” We noted in our public comment that this argument was indefensible because “such a balance is not mentioned in the text” of federal conscience protection laws:

To the contrary, Congress said that the federal government must respect the conscience rights of health care professionals and entities, full stop. For example, nothing in the Church Amendments describes any conditions under which a public official or entity can require an individual to perform an abortion or sterilization procedure in violation of his or her religious beliefs or moral convictions. More to the point, nowhere did Congress grant HHS rulemaking authority to “balance” other interests with the government interest spelled out in the text of the Church Amendments.³⁵

²⁷ Passing this law would not only advance President Trump’s commitment to ending anti-Christian bias but also advance his intention to “commence the destruction of the overbearing and burdensome administrative state” and “[e]nd[] Federal overreach and restor[e] the constitutional separation of powers.” Exec. Order 14219, Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency” Deregulatory Initiative, 90 Fed. Reg. 10583 (Feb. 19, 2025), <https://www.federalregister.gov/documents/2025/02/25/2025-03138/ensuring-lawful-governance-and-implementing-the-presidents-department-of-government-efficiency>.

²⁸ HHS, Safeguarding the Rights of Conscience as Protected by Federal Statutes, 89 Fed. Reg. 2078 (Jan. 11, 2024), <https://www.federalregister.gov/documents/2024/01/11/2024-00091/safeguarding-the-rights-of-conscience-as-protected-by-federal-statutes>.

²⁹ *Id.* at 2087.

³⁰ Rachel N. Morrison & Eric Kniffin, *HHS Issues Final Rule on Conscience Rights in Healthcare*, FedSoc Blog (Jan. 31, 2024), <https://fedsoc.org/commentary/fedsoc-blog/hhs-issues-final-rule-on-conscience-rights-in-healthcare>.

³¹ EPPC, *EPPC Scholars and Others Respond to HHS’s Proposed Rule on Conscience Rights in Health Care* (Mar. 7, 2023), <https://eppc.org/news/eppc-scholars-and-others-respond-to-hhss-proposed-rule-on-conscience-rights-in-health-care/>.

³² HHS, Safeguarding the Rights of Conscience as Protected by Federal Statutes, 88 Fed. Reg. 820, 825–26 (Jan. 5, 2023), <https://www.federalregister.gov/documents/2023/01/05/2022-28505/safeguarding-the-rights-of-conscience-as-protected-by-federal-statutes>.

³³ EPPC, *EPPC Scholars and Others Respond to HHS’s Proposed Rule on Conscience Rights in Health Care* at 8–10, <https://eppc.org/news/eppc-scholars-and-others-respond-to-hhss-proposed-rule-on-conscience-rights-in-health-care/>.

³⁴ 89 Fed. Reg. at 2081.

³⁵ EPPC Scholars Comment Opposing HHS’s Proposed Rule “Safeguarding the Rights of Conscience as Protected by Federal Statutes,” RIN 0945-AA18 (Mar. 6, 2023) at 11, <https://eppc.org/wp-content/uploads/2023/03/EPPC-Scholars-Comment-Opposing-HHS-Proposed-Conscience-Rule.pdf>.

HHS’s final rule conceded that “the text of the conscience statutes themselves generally does not contain balancing tests.”³⁶ Nonetheless, HHS asserted the authority to “balance” conscience laws against the administration’s other priorities.³⁷ It claimed that “Congress sought to balance provider and patient rights” and that “the Department respects that balance.”³⁸ Some form of the word “balance” appears thirty-six times in the final rule.

PROPOSED ACTION: *HHS could rescind and replace the Biden administration’s 2024 conscience rule. The preamble could refute in detail the Biden HHS’s “balance” argument, explaining that HHS is required to carry out unambiguous instructions from Congress.*³⁹

PROPOSED ACTION: *The administration could consider having the DOJ’s Office of Legal Counsel issue a memorandum instructing federal agencies how to understand the proper scope of their delegated authority in light of the Supreme Court decisions identified in President Trump’s February 19, 2025, Executive Order 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative” and his April 9, 2025, memorandum “Directing the Repeal of Unlawful Regulations.”⁴⁰ The executive branch could explain in detail why an agency has no lawful authority to insist on a “balancing” test where no such test exists in the authorizing statute. Such a memorandum would help put a stop to such agency overreach under this administration and curtail such abuses in future administrations.*

³⁶ 89 Fed. Reg. at 2088.

³⁷ *Id.*

³⁸ *Id.* at 2085.

³⁹ It appears that HHS is already contemplating replacing the 2024 Biden conscience rule. The Spring 2025 Unified Agenda includes the rule “Making Technical Changes and Clarifying How OCR Addresses Conscience Authorities In Health Care; Delegation of Authority,” which HHS anticipates proposing in January 2026. See HHS, OCR, RIN Data (Spring 2025), <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202504&RIN=0945-AA24>. The current abstract of the anticipated rule states, “In keeping with Executive Orders 14202 and 14188, and HHS’ commitment to reevaluate its regulations and guidance pertaining to Federal laws on conscience and religious exercise, the proposed conscience rule would amend the 2024 rule to make technical corrections and clarify how OCR addresses those federal authorities.”

⁴⁰ White House, Presidential Memorandum, Directing the Repeal of Unlawful Regulations (Apr. 9, 2025), <https://www.whitehouse.gov/presidential-actions/2025/04/directing-the-repeal-of-unlawful-regulations/>.

Appendix:

List of Federal Health-Care Conscience Protection Laws

Congress has enacted over two dozen federal statutory provisions that provide conscience protections in health-care contexts. These laws generally prohibit coercion or discrimination against individuals or entities based on religious beliefs or moral convictions regarding certain medical procedures, services, research, or activities (such as abortion, sterilization, assisted suicide, or other specified health services). HHS's Office for Civil Rights (OCR) is primarily responsible for enforcing these laws, which are detailed in the agency's January 2024 final rule on "Safeguarding the Rights of Conscience as Protected by Federal Statutes."⁴¹

Below is a comprehensive list of these provisions, grouped by category as outlined in the rule's statutory background. Each includes the name (where applicable), citation, and a brief description. This list focuses on those statutes enforced by HHS because they represent the core set of federal conscience protections in health care. Note that some categories encompass multiple related statutory provisions.

Church Amendments. Enacted in the 1970s to protect against discrimination in federally funded health programs related to abortion and sterilization

- **42 U.S.C. § 300a-7(b):** Prohibits courts or public authorities from requiring individuals or entities receiving federal funds to perform, assist in, or make facilities or personnel available for abortions or sterilizations if contrary to religious beliefs or moral convictions
- **42 U.S.C. § 300a-7(c)(1):** Bars discrimination in employment or privileges against health-care personnel who refuse to perform, assist in, or otherwise participate in abortions or sterilizations (even when lawful) based on their religious or moral convictions
- **42 U.S.C. § 300a-7(c)(2):** Prohibits discrimination in employment or privileges against personnel in biomedical or behavioral research who refuse to perform or assist in providing health services or research because of their religious or moral convictions
- **42 U.S.C. § 300a-7(d):** Ensures that no individual is required to perform or assist in any federally funded health service program or research activity contrary to their religious beliefs or moral convictions
- **42 U.S.C. § 300a-7(e):** Prevents discrimination against applicants for training or study in federally funded programs because they refuse to participate in certain activities due to religious or moral convictions

Coats-Snowe Amendment

- **Public Health Service Act § 245 (42 U.S.C. § 238n):** Prohibits federal, state, or local governments receiving federal funds from discriminating against health-care entities (including training programs) that refuse to perform, train in, refer for, or arrange abortions; also deems certain programs accredited despite noncompliance with abortion-related standards

Weldon Amendment

- **Weldon Amendment (Consolidated Appropriations Act, 2023, Pub. L. 117-328, div. H, title V, § 507(d)(1)):** Bars federal funding to agencies, programs, or governments that discriminate against health-care entities (e.g., physicians, hospitals, insurers) for not providing, paying for, covering, or referring for abortions

⁴¹ HHS, Safeguarding the Rights of Conscience as Protected by Federal Statutes, 89 Fed. Reg. 2078 (Jan. 11, 2024), <https://www.federalregister.gov/documents/2024/01/11/2024-00091/safeguarding-the-rights-of-conscience-as-protected-by-federal-statutes>.

Conscience Provisions in Medicaid and Medicare Statutes: Protect against discrimination in managed care, advanced directives, and religious nonmedical care contexts

- **42 U.S.C. § 1395w-22(j)(3)(B) (Medicare Advantage):** Exempts Medicare Advantage plans from providing, reimbursing, or covering counseling or referral services objected to on moral or religious grounds, with notice requirements to enrollees
- **42 U.S.C. § 1396u-2(b)(3)(B) (Medicaid Managed Care):** Exempts Medicaid managed care organizations from providing, reimbursing, or covering counseling or referral services objected to on moral or religious grounds, with notice requirements to enrollees
- **Advanced Directives Provisions (42 U.S.C. §§ 1395cc(f), 1396a(w)(3), 14406(2)):** Protect providers from being required to implement advanced directives contrary to conscience in Medicare and Medicaid programs
- **Religious Nonmedical Health-Care Providers and Patients Provisions (42 U.S.C. §§ 1320a-1(h), 1320c-11, 1395i-5, 1395x(e), 1395x(y)(1), 1396a(a), 1397j-1(b)):** Exempt religious nonmedical institutions from certain Medicare or Medicaid requirements (e.g., medical criteria, licensure) and prohibit interference with elders' reliance on prayer for healing

Affordable Care Act (ACA) Provisions

- **42 U.S.C. § 18113 (ACA § 1553):** Prohibits discrimination against individuals or entities for not providing services related to assisted suicide, euthanasia, or mercy killing
- **42 U.S.C. § 18023(b)(1)(A) (ACA § 1303(b)(1)(A)):** Allows qualified health plans to decide whether to cover abortion services
- **42 U.S.C. § 18023(b)(4) (ACA § 1303(b)(4)):** Bars qualified health plans from discriminating against providers or facilities unwilling to provide, pay for, cover, or refer for abortions
- **42 U.S.C. § 18023(c)(2) (ACA § 1303(c)(2)):** Affirms that the Affordable Care Act preserves all existing federal conscience protections, including laws that prohibit discrimination against those who refuse to provide, pay for, cover, or refer for abortions
- **42 U.S.C. § 18081(b)(5)(A) (ACA § 1411(b)(5)(A)):** Allows exemptions from the individual mandate based on hardship or participation in a religious sect or health-care sharing ministry

Federal Conscience and Antidiscrimination Protections Applying to Global Health Programs

- **PEPFAR-Related Provisions (22 U.S.C. §§ 7631(d)(1)(B), 7631(d)(2)):** Prohibits requiring recipients of HIV/AIDS foreign aid to endorse, participate in, or refer to programs objected to on religious or moral grounds; bars discrimination against such recipients
- **Helms, Biden, 1978, and 1985 Amendments (22 U.S.C. § 2151b(f)):** Bans use of foreign aid for abortions, involuntary sterilizations, or coercion/motivation to practice abortions or sterilizations

Exemptions from Compulsory Medical Screening, Examination, Diagnosis, or Treatment: Provides opt-outs from mandatory health interventions

- **Suicide Prevention Programs Provision (42 U.S.C. § 290bb-36(f); Garrett Lee Smith Memorial Act § 3(c)):** Exempts certain suicide prevention programs from requiring assessments or interventions contrary to conscience
- **Hearing Screening Programs Provision (42 U.S.C. § 280g-1(d)):** Allows exemptions from newborn hearing screenings based on religious beliefs
- **Pediatric Vaccines Provision (42 U.S.C. § 1396s(c)(2)(B)(ii)):** Permits states to exclude certain pediatric vaccines from Medicaid if produced using aborted fetal tissue
- **Occupational Safety and Health Act Provision (29 U.S.C. § 669(a)(5)):** Exempts religious sects from certain occupational illness testing requirements
- **Child Abuse Prevention and Treatment Programs Provisions (42 U.S.C. §§ 5106i(a), 1396f):** Provide exemptions from compulsory medical services in child abuse or neglect cases based on religious beliefs