

# SENATE BILL No. 300

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-23.6-12.

**Synopsis:** Conscience protection for mental health providers. Provides that a behavioral health or human services professional (professional) may be not required to: (1) perform; (2) participate in; or (3) provide; a service that violates any sincerely held ethical, moral, or religious belief held by the professional. Provides that a professional may not be required to perform, participate in, or provide, as a condition of: (1) training; (2) employment; (3) pay; (4) promotion; or (5) privileges; a service that violates any sincerely held ethical, moral, or religious belief held by the professional. Prohibits a hospital or other employer from: (1) discriminating against; or (2) disciplining; a professional because of a sincerely held ethical, moral, or religious belief held by the professional. Allows a professional to bring a civil cause of action in certain instances. Specifies certain remedies and requirements. Requires a professional to refer a person who is denied service on ethical, moral, or religious grounds to an alternative professional.

**Effective:** July 1, 2020.

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January 9, 2020, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

# SENATE BILL No. 300



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 25-23.6-12 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2020]:  
4 **Chapter 12. Conscience Protection for Behavioral Health and**  
5 **Human Services Professionals**  
6 **Sec. 1. This chapter applies to a behavioral health or human**  
7 **services professional.**  
8 **Sec. 2. (a) As used in this chapter, "behavioral health or human**  
9 **services professional" means a person who is:**  
10 (1) listed or described in subsection (b); or  
11 (2) presently:  
12 (A) enrolled in an an undergraduate or graduate program  
13 for a profession listed in subsection (b);  
14 (B) an intern for a professional listed in subsection (b); or  
15 (C) in possession of an associate's license for a profession  
16 listed in subsection (b).  
17 (b) The following individuals are behavioral health or human



- 1 services professionals:
- 2 (1) A clinical social worker.
- 3 (2) A counselor.
- 4 (3) A clinical addiction counselor.
- 5 (4) A licensed addiction counselor.
- 6 (5) A licensed addiction counselor associate.
- 7 (6) A licensed bachelor's degree social worker.
- 8 (7) A licensed clinical addiction counselor associate.
- 9 (8) A licensed social worker.
- 10 (9) A marriage and family therapist.
- 11 (10) A mental health counselor.
- 12 (11) A mental health therapist.
- 13 (12) A social worker.
- 14 (13) A case manager, or the professional equivalent, for any
- 15 person described in subdivisions (1) through (12).
- 16 **Sec. 3. A behavioral health or human services professional may**
- 17 **not be required to:**
- 18 (1) perform;
- 19 (2) participate in; or
- 20 (3) provide;
- 21 a service that violates any sincerely held ethical, moral, or religious
- 22 belief held by the behavioral health or human services professional.
- 23 **Sec. 4. A behavioral health or human services professional may**
- 24 **not be required to perform, participate in, or provide, as a**
- 25 **condition of:**
- 26 (1) licensure;
- 27 (2) training;
- 28 (3) employment;
- 29 (4) pay;
- 30 (5) promotion; or
- 31 (6) privileges;
- 32 a service that violates any sincerely held ethical, moral, or religious
- 33 belief held by the behavioral health or human services professional.
- 34 **Sec. 5. A hospital or other employer may not:**
- 35 (1) discriminate against; or
- 36 (2) discipline;
- 37 a behavioral health or human services professional because of a
- 38 sincerely held ethical, moral, or religious belief held by the
- 39 behavioral health or human services professional.
- 40 **Sec. 6. A professional licensing board may not:**
- 41 (1) withhold;
- 42 (2) suspend; or



- 1           **(3) revoke;**  
 2 **the professional license of a behavioral health or human services**  
 3 **professional for refusing to provide a service that would violate a**  
 4 **sincerely held ethical, moral, or religious belief held by the**  
 5 **behavioral health or human services professional.**  
 6       **Sec. 7. (a) A civil cause of action seeking one (1) or more of the**  
 7 **remedies specified in subsection (b) may be brought by a**  
 8 **behavioral health or human services professional who:**  
 9           **(1) is aggrieved by any violation of sections 3 through 5 of this**  
 10 **chapter; and**  
 11           **(2) complies with section 7 of this chapter.**  
 12       **(b) A behavioral health or human services professional may**  
 13 **seek one (1) or more of the following remedies for any violation of**  
 14 **sections 3 through 5 of this chapter:**  
 15           **(1) Compensatory damages.**  
 16           **(2) Punitive damages.**  
 17           **(3) Declaratory relief.**  
 18           **(4) Injunctive relief.**  
 19           **(5) The reinstatement of employment, pay, or privileges, as**  
 20 **applicable.**  
 21           **(6) Any other relief permitted under state or federal law.**  
 22       **(c) The issuance of any relief under this section does not prohibit**  
 23 **a behavioral health or human services professional described in**  
 24 **subsection (a) from seeking any other relief permitted under state**  
 25 **or federal law.**  
 26       **Sec. 8. A behavioral health or human services professional who**  
 27 **refuses to:**  
 28           **(1) perform;**  
 29           **(2) participate in; or**  
 30           **(3) provide;**  
 31 **a service due to a sincerely held ethical, moral, or religious belief**  
 32 **must refer any person who is refused or denied service to an**  
 33 **alternate behavioral health or human services professional.**

