

By: Representative Eubanks

To: Public Health and Human
Services; Judiciary A

HOUSE BILL NO. 1422

1 AN ACT TO PROHIBIT HEALTH COVERAGE PLANS FROM PAYING OR
2 OFFERING TO PAY TO ANY HEALTH CARE PROVIDER AN INCENTIVE OR BONUS
3 WITH THE INTENT TO INFLUENCE, PERSUADE OR ENCOURAGE THE PROVIDER
4 TO ADMINISTER ANY VACCINATION; TO PROHIBIT HEALTH COVERAGE PLANS
5 FROM DENYING OR OTHERWISE REFUSING TO REIMBURSE ANY CLAIM FOR A
6 COVERED HEALTH CARE SERVICE SUBMITTED BY A HEALTH CARE PROVIDER OR
7 IMPOSE ANY OTHER PENALTY ON A HEALTH CARE PROVIDER WITH THE INTENT
8 TO INFLUENCE, PERSUADE OR ENCOURAGE THE HEALTH CARE PROVIDER TO
9 ADMINISTER ANY VACCINATION; TO PROHIBIT ANY EMPLOYER, HEALTH CARE
10 ENTITY, SCHOOL OR PERSON FROM COMMITTING CERTAIN ADVERSE ACTIONS
11 BASED ON AN INDIVIDUAL'S REFUSAL OF ANY VACCINATION, BIOLOGIC,
12 PHARMACEUTICAL OR DRUG IF SUCH INDIVIDUAL'S REFUSAL IS FOR REASONS
13 OF CONSCIENCE; TO PROVIDE FOR PERSONS WHO SUFFER ANY DIRECT OR
14 INDIRECT INJURY AS A RESULT OF A VIOLATION THE PRECEDING PROVISION
15 A PRIVATE CAUSE OF ACTION FOR ACTUAL DAMAGES, INJUNCTIVE RELIEF
16 AND ANY OTHER APPROPRIATE RELIEF; TO STANDARDIZE THE PROCESS AND
17 PROCEDURE FOR OBTAINING A MEDICAL EXEMPTION FROM ANY REQUIRED
18 VACCINATIONS; TO PROVIDE A STANDARD FORM FOR A PHYSICIAN, NURSE
19 PRACTITIONER OR PHYSICIAN'S ASSISTANT WHO BELIEVES THAT A
20 VACCINATION MAY BE DETRIMENTAL TO AN INDIVIDUAL'S HEALTH TO
21 COMPLETE FOR THE INDIVIDUAL; TO PROHIBIT DISCRIMINATION ON THE
22 BASIS OF AN INDIVIDUAL'S STATUS OF HAVING A MEDICAL EXEMPTION
23 PROVIDED FOR IN THIS ACT; TO PROVIDE THAT A PHYSICIAN, NURSE
24 PRACTITIONER OR PHYSICIAN'S ASSISTANT SHALL NOT BE SUBJECT TO ANY
25 DISCIPLINARY ACTION OR PENALTY BY ANY STATE OR MUNICIPAL AGENCY,
26 BOARD OR COMMISSION FOR ISSUING A MEDICAL EXEMPTION FORM AS
27 PROVIDED FOR IN THIS ACT; TO AMEND SECTION 41-23-37, MISSISSIPPI
28 CODE OF 1972, TO AUTHORIZE PARENTS OR GUARDIANS OF SCHOOL-AGE
29 CHILDREN TO OBTAIN CERTIFICATES OF EXEMPTION FROM VACCINATIONS FOR
30 CONSCIENTIOUS BELIEFS IN ORDER FOR THE CHILD TO ATTEND SCHOOL; TO
31 PROVIDE THAT IN ORDER TO OBTAIN THE EXEMPTION, THE CHILD'S PARENT
32 OR GUARDIAN MUST COMPLETE AN AFFIDAVIT ON AN EXEMPTION FORM
33 PROVIDED BY THE STATE DEPARTMENT OF HEALTH; TO PROVIDE THAT THE
34 EXEMPTION FORM MUST CONTAIN A STATEMENT INDICATING THAT THE PARENT



OR GUARDIAN UNDERSTANDS THE BENEFITS AND RISKS OF VACCINATIONS AND THE BENEFITS AND RISKS OF NOT BEING VACCINATED, AND MUST CONTAIN A SECTION WHERE THE PARENT OR GUARDIAN CAN LIST THE SPECIFIC VACCINATION OR VACCINATIONS FOR WHICH THE EXEMPTION APPLIES; TO PROVIDE THAT THE EXEMPTION WILL BE VALID FOR ONE YEAR; TO BRING FORWARD SECTION 41-23-43, MISSISSIPPI CODE OF 1972, WHICH PROVIDES A VACCINATION PROGRAM FOR FIRST RESPONDERS; SECTIONS 41-23-49 AND 41-23-51, MISSISSIPPI CODE OF 1972, WHICH PROHIBIT STATE AND LOCAL GOVERNMENTAL ENTITIES FROM DISCRIMINATING AGAINST PERSONS BASED ON COVID-19 VACCINATION STATUS, AND SECTIONS 41-107-3, 41-107-5, 41-107-7 AND 41-107-9, MISSISSIPPI CODE OF 1972, WHICH ARE PART OF THE HEALTH CARE RIGHTS OF CONSCIENCE ACT, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the Mississippi Vaccine and Transparency Act.

SECTION 2. (1) As used in this section, the term "health coverage plan" means any hospital, health, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, contract, or other agreement with a health maintenance organization or a preferred provider organization, health and accident insurance policy, or any other insurance contract of this type in this state, including a group insurance plan, a self-insurance plan, and the State and School Employees' Health Insurance Plan.

(2) A health coverage plan shall not pay or offer to pay to any health care provider an incentive, bonus, or other amount beyond the contracted reimbursement rate for a covered health care service with the intent to, directly or indirectly, influence, persuade, or encourage the health care provider to administer any vaccination.



(3) A health coverage plan shall not deny or otherwise refuse to reimburse any claim for a covered health care service submitted by a health care provider or impose any other penalty on a health care provider with the intent to, directly or indirectly, influence, persuade, or encourage the health care provider to administer any vaccination.

SECTION 3. (1) This section shall be known and may be cited as the Conscientious Right To Refuse Act.

(2) As used in this section, the following terms shall be defined as provided in this subsection:

(a) "Conscience" means theistic and nontheistic moral and ethical beliefs as to what is right and wrong that are sincerely held with the strength of traditional religious views.

(b) "Employer" means any person in this state who employs one (1) or more persons. "Employer" includes the State of Mississippi and all political subdivisions of the state.

(c) "Health care entity" means a health care provider, a licensed medical care facility, a provider-sponsored organization, an insurance company, a health maintenance organization or administrator of a health benefits plan or any other health care facility or organization.

(d) "Health care provider" means any person licensed or otherwise authorized by law to provide health care services in this state or a professional corporation organized pursuant to the professional corporation law of Mississippi by persons who are



91 authorized by law to form such corporation and are health care
92 providers, as defined in this subsection, or an officer, employee
93 or agent thereof acting in the course and scope of employment or
94 agency.

95 (e) "Medical care facility" means a hospital,
96 ambulatory surgical center or recuperation center, an adult care
97 home, a hospice certified to participate in the Medicare program
98 under CFR Section 418.1 et seq., that provides services only to
99 hospice patients, a public health center, mental health center or
100 mental health clinic licensed by the State of Mississippi, a
101 licensed psychiatric hospital or other facility or office where
102 services of a health care provider are provided directly to
103 patients.

104 (f) "Person" means an individual, partnership,
105 association, organization, corporation, company, governmental
106 entity, legal representative, trustee, trustee in bankruptcy or
107 receiver.

108 (g) "School" means a public school or accredited
109 nonpublic school or postsecondary educational institution.

110 (2) An employer, health care entity, school or person shall
111 not commit any of the following acts based on an individual's
112 refusal of any vaccination, biologic, pharmaceutical, drug, gene
113 editing technology, DNA- or RNA-based product if such individual's
114 refusal is for reasons of conscience:



(a) Adverse employment action, including, but not limited to, refusal to hire, dismissal or warning of possible dismissal, demotion, transfer, reassignment, suspension, reprimand, withholding of work, assessing any monetary penalty or unreasonable charge or discrimination in compensation or in terms, conditions or privileges of employment;

(b) Denial of goods or services;

(c) Denial of entry to a place otherwise accessible to the general public;

(d) Segregation or separation of such individual from others without a valid business necessity;

(d) Denial of housing;

(e) Assessment of a financial penalty against such individual; or

(f) Treatment of an individual differently from any other individual who accepted the medical intervention described in this subsection.

(3) (a) An individual who suffers any direct or indirect injury as a result of a violation of this section shall have a private cause of action for actual damages, injunctive relief and any other appropriate relief. Any action brought under this section shall be filed within two (2) years from the date that the injury occurs or after the act giving rise to the cause of action.

(b) In an action brought for a violation of this section, a prevailing plaintiff shall recover three (3) times the



amount of actual damages sustained or Ten Thousand Dollars (\$10,000.00), whichever is greater, and the cost of the suit, including reasonable attorney's fees.

SECTION 4. (1) If any physician, nurse practitioner or physician's assistant licensed to practice in Mississippi completes the required medical exemption form stating that any required vaccination may be detrimental to an individual's health, any state or municipal requirement to obtain a vaccination shall be inapplicable until such vaccination is found to no longer be detrimental to the individual's health by the individual's physician, nurse practitioner or physician's assistant. The State Department of Health or any other state or municipal agency, board or commission may not require any other condition or requirement for the medical exemption to a vaccine or vaccines.

(2) Any physician, nurse practitioner or physician's assistant who believes that such vaccination may be detrimental to the individual's health must complete the following form:

"Medical exemption form

(a) Name of individual:

(b) If a minor, name of parent, parents, or guardian:

(c) Birthdate:

(d) Home address:

(e) I certify that vaccination against (insert immunization exempted) may be detrimental to the individual's health. Signed:"



(3) Discrimination on the basis of an individual's status of having a medical exemption provided for in this section is prohibited.

(4) Absent fraud or intentional misrepresentation of verifiable facts, a physician, nurse practitioner or physician's assistant shall not be subject to any disciplinary action or penalty by any state or municipal agency, board or commission for issuing a medical exemption form as provided for in this section.

SECTION 5. Section 41-23-37, Mississippi Code of 1972, is amended as follows:

41-23-37. (1) Whenever indicated, the State Health Officer shall specify such immunization practices as may be considered best for the control of vaccine preventable diseases. A listing shall be promulgated annually or more often, if necessary.

(2) Except as provided * * * in this section, it shall be unlawful for any child to attend any school, kindergarten or similar type facility intended for the instruction of children (hereinafter called "schools"), either public or private, with the exception of any legitimate home instruction program as defined in Section 37-13-91 * * * for ten (10) or * * * fewer children who are related within the third degree computed according to the civil law to the operator, unless they * * * have a certificate of vaccination or have submitted to the school a certificate of exemption from vaccination.

* * *



190 (3) (a) A certificate of exemption from vaccination for
191 conscientious beliefs may be submitted to the school on behalf of
192 a child by the child's parent or guardian.

193 (b) To claim an exemption from a required vaccination
194 for conscientious beliefs, the parent or a guardian of the child
195 must complete an affidavit on an exemption form provided by the
196 State Department of Health. The affidavit must be signed by the
197 parent or guardian and the affidavit must be notarized.

198 (c) A blank exemption form for conscientious beliefs
199 may be obtained by the parent or guardian by submitting a written
200 request for the exemption form to the State Department of Health
201 or the county health department or by downloading the exemption
202 form from the website of the State Department of Health.

203 (d) The exemption form for conscientious beliefs must
204 contain a statement indicating that the parent or guardian
205 understands the benefits and risks of vaccinations and the
206 benefits and risks of not being vaccinated. In addition, it must
207 contain a section where the parent or guardian can list the
208 specific vaccination or vaccinations for which the exemption
209 applies. The completed and notarized exemption form shall expire
210 one (1) year from the date signed by the parent or guardian. The
211 parent or guardian must submit a new form every school calendar
212 year for which they are claiming an exemption from vaccination
213 requirements for conscientious beliefs.



(4) Certificates of vaccination shall be issued by local health officers or physicians on forms specified by the * * * State * * * Department of Health. These forms shall be the only acceptable means for showing compliance with * * * the immunization requirements of this section, and the responsible school officials shall file the form with the child's record.

(5) If a child * * * who has not submitted a certificate of exemption from vaccination offers to enroll at a school without having completed the required vaccinations, the local health officer may grant a period of time up to ninety (90) days for * * * that completion when, in the opinion of the health officer, * * * the delay will not cause undue risk to the child, the school or the community. No child without a certificate of exemption from vaccination shall be enrolled without having had at least one (1) dose of each specified vaccine.

(6) Within thirty (30) days after the opening of the fall term of school (on or before October 1 of each year) the person in charge of each school shall report to the county or local health officer, on forms provided by the * * * State * * * Department of Health, the number of children enrolled by age or grade or both, the number fully vaccinated, the number in process of completing vaccination requirements, and the number exempt from vaccination by reason * * * of a certificate of exemption.

(7) Within one hundred twenty (120) days after the opening of the fall term (on or before December 31), the person in charge



of each school shall certify to the local or county health officer that all children enrolled who have not submitted a certificate of exemption from vaccination are in compliance with the immunization requirements of this section.

(8) For the purpose of assisting in supervising the immunization status of the children the local health officer, or his designee, may inspect the children's records or be furnished certificates of * * * vaccination compliance by the school.

(9) It shall be the responsibility of the person in charge of each school to enforce the requirements for immunization and exemption from vaccination. Any child who has not submitted a certificate of exemption from vaccination who is not in compliance at the end of ninety (90) days from the opening of the fall term must be suspended until in compliance, unless the health officer * * * attributes the delay to lack of supply of vaccine or some other such factor clearly making compliance impossible.

(10) Failure to enforce provisions of this section shall constitute a misdemeanor and, upon conviction, be punishable by fine or imprisonment or both.

SECTION 6. Section 41-23-43, Mississippi Code of 1972, is brought forward as follows:

41-23-43. (1) As used in this section:

(a) "Department" means the Mississippi State Department of Health, Bioterrorism Division;



(b) "Director" means the Executive Director of the State Board of Health;

(c) "Bioterrorism" means the intentional use of any microorganism, virus, infectious substance or biological product that may be engineered as a result of biotechnology or any naturally occurring or bioengineered component of any microorganism, virus, infectious substance or biological product, to cause or attempt to cause death, disease or other biological malfunction in any living organism;

(d) "Disaster locations" means any geographical location where a bioterrorism attack, terrorist attack, catastrophic or natural disaster or emergency occurs;

(e) "First responders" means state and local law enforcement personnel, fire department personnel, emergency medical personnel, emergency management personnel and public works personnel who may be deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters and emergencies.

(2) The department shall offer a vaccination program for first responders who may be exposed to infectious diseases when deployed to disaster locations. The vaccinations shall include, but are not limited to, hepatitis A vaccination, hepatitis B vaccination, diphtheria-tetanus vaccination, influenza vaccination, pneumococcal vaccination and other vaccinations when recommended by the United States Public Health Service and in



287 accordance with Federal Emergency Management Directors Policy.

288 Immune globulin will be made available when necessary.

289 (3) Participation in the vaccination program shall be
290 voluntary by the first responders, except for first responders who
291 are classified as having "occupational exposure" to blood borne
292 pathogens as defined by the Occupational Safety and Health
293 Administration Standard contained at 29 CFR 1910.10300 who shall
294 be required to take the designated vaccinations or otherwise
295 required by law.

296 (4) A first responder shall be exempt from vaccinations when
297 a written statement from a licensed physician is presented
298 indicating that a vaccine is medically contraindicated for that
299 person or the first responder signs a written statement that the
300 administration of a vaccination conflicts with their religious
301 tenets.

302 (5) If there is a vaccine shortage, the director, in
303 consultation with the Governor and the Centers for Disease Control
304 and Prevention, shall give priority for vaccination to first
305 responders.

306 (6) The department shall notify first responders to the
307 availability of the vaccination program and shall provide
308 educational materials on ways to prevent exposure to infectious
309 diseases.

310 (7) The department may contract with county and local health
311 departments, not-for-profit home health care agencies, hospitals



and physicians to administer a vaccination program for first responders.

(8) This section shall be effective upon receipt of federal funding and/or federal grants for administering a first responders vaccination program. Upon receipt of that funding, the department shall make available the vaccines to first responders as provided in this section.

SECTION 7. Section 41-23-49, Mississippi Code of 1972, is brought forward as follows:

41-23-49. (1) As used in Sections 41-23-49 and 43-23-51, the following words and phrases have the following meanings, unless the context clearly indicates otherwise:

(a) "Immunity passport" means a document, digital record, or software application indicating that a person has immunity to COVID-19, either through vaccination or infection and recovery.

(b) "COVID-19 vaccination status" means an indication of whether a person has received one or more doses of a vaccine for COVID-19.

(2) Except as provided in subsection (3) of this section, it is an unlawful discriminatory practice for:

(a) A state agency, public official, state institution of higher learning, public community or junior college, county, municipality or other political subdivision of the state to refuse, withhold from, or deny to a person any local or state



337 services, goods, facilities, advantages, privileges, licensing,
338 educational opportunities, health care access, or employment
339 opportunities based on the person's COVID-19 vaccination status or
340 whether the person has an immunity passport;

341 (b) A state agency, public official, state institution
342 of higher learning, public community or junior college, county,
343 municipality or other political subdivision of the state to refuse
344 employment to a person, to bar a person from employment, or to
345 discriminate against a person in compensation or in a term,
346 condition, or privilege of employment based on the person's
347 COVID-19 vaccination status or whether the person has an immunity
348 passport; or

349 (c) A state agency, public official, state institution
350 of higher learning, public community or junior college, county,
351 municipality or other political subdivision of the state to
352 exclude, limit, segregate, refuse to serve, or otherwise
353 discriminate against a person based on the person's COVID-19
354 vaccination status or whether the person has an immunity passport.

355 (3) Children attending any school, kindergarten or similar
356 type of facility intended for the instruction of children, either
357 public or private, shall not be required to receive a vaccine for
358 COVID-19 as a condition of attendance.

359 (4) (a) A state agency, public official, state institution
360 of higher learning, public community or junior college, county,
361 municipality or other political subdivision of the state does not



unlawfully discriminate under this section if they recommend that an employee receive a vaccine for COVID-19.

(b) A health care facility does not unlawfully discriminate under Sections 41-23-49 and 43-23-51 if it:

(i) Asks an employee to volunteer the employee's COVID-19 vaccination status for the purpose of determining whether the health care facility should implement reasonable accommodation measures to protect the safety and health of employees, patients, visitors, and other persons from COVID-19. A health care facility may consider an employee to be unvaccinated if the employee declines to provide the employee's COVID-19 vaccination status to the health care facility for purposes of determining whether reasonable accommodation measures should be implemented; or

(ii) Implements reasonable accommodation measures for employees, patients, visitors, and other persons who are not vaccinated for COVID-19 to protect the safety and health of employees, patients, visitors, and other persons from COVID-19.

(5) An employee of any public or private employer who has a sincerely held religious objection to receiving a vaccine for COVID-19 shall not be required to receive a vaccine for COVID-19.

SECTION 8. Section 41-23-51, Mississippi Code of 1972, is brought forward as follows:

41-23-51. A health care facility is exempt from compliance with Section 41-23-49 during any period of time that compliance with Section 41-23-49 would result in a violation of regulations



or guidance issued by the Centers for Medicare and Medicaid Services or the Centers for Disease Control and Prevention.

SECTION 9. Section 41-107-3, Mississippi Code of 1972, is brought forward as follows:

41-107-3. As used in this chapter:

(a) "Health care service" means any phase of patient medical care, treatment or procedure, including, but not limited to, the following: patient referral, counseling, therapy, testing, diagnosis or prognosis, research, instruction, prescribing, dispensing or administering any device, drug, or medication, surgery, or any other care or treatment rendered by health care providers or health care institutions.

(b) "Health care provider" means any individual who may be asked to participate in any way in a health care service, including, but not limited to: a physician, physician's assistant, nurse, nurses' aide, medical assistant, hospital employee, clinic employee, nursing home employee, pharmacist, pharmacy employee, researcher, medical or nursing school faculty, student or employee, counselor, social worker or any professional, paraprofessional, or any other person who furnishes, or assists in the furnishing of, a health care procedure.

(c) "Health care institution" means any public or private organization, corporation, partnership, sole proprietorship, association, agency, network, joint venture, or other entity that is involved in providing health care services,



including, but not limited to: hospitals, clinics, medical centers, ambulatory surgical centers, private physician's offices, pharmacies, nursing homes, university medical schools and nursing schools, medical training facilities, or other institutions or locations where health care procedures are provided to any person.

(d) "Health care payer" means any entity or employer that contracts for, pays for, or arranges for the payment of, in whole or in part, a health care service, including, but not limited to, health maintenance organizations, health plans, insurance companies or management services organizations.

(e) "Employer" means any individual or entity that pays for or provides health benefits or health insurance coverage as a benefit to its employees, whether through a third party, a health maintenance organization, a program of self-insurance, or some other means.

(f) "Participate" in a health care service means to counsel, advise, provide, perform, assist in, refer for, admit for purposes of providing, or participate in providing, any health care service or any form of such service.

(g) "Pay" or "payment" means pay, contract for, or otherwise arrange for the payment of, in whole or in part.

(h) "Conscience" means the religious, moral or ethical principles held by a health care provider, the health care institution or health care payer. For purposes of this chapter, a health care institution or health care payer's conscience shall be



437 determined by reference to its existing or proposed religious,
438 moral or ethical guidelines, mission statement, constitution,
439 bylaws, articles of incorporation, regulations or other relevant
440 documents.

441 **SECTION 10.** Section 41-107-5, Mississippi Code of 1972, is
442 brought forward as follows:

443 41-107-5. (1) **Rights of Conscience.** A health care provider
444 has the right not to participate, and no health care provider
445 shall be required to participate in a health care service that
446 violates his or her conscience. However, this subsection does not
447 allow a health care provider to refuse to participate in a health
448 care service regarding a patient because of the patient's race,
449 color, national origin, ethnicity, sex, religion, creed or sexual
450 orientation.

451 (2) **Immunity from Liability.** No health care provider shall
452 be civilly, criminally or administratively liable for declining to
453 participate in a health care service that violates his or her
454 conscience. However, this subsection does not exempt a health
455 care provider from liability for refusing to participate in a
456 health care service regarding a patient because of the patient's
457 race, color, national origin, ethnicity, sex, religion, creed or
458 sexual orientation.

459 (3) **Discrimination.** It shall be unlawful for any person,
460 health care provider, health care institution, public or private
461 institution, public official, or any board which certifies



competency in medical specialties to discriminate against any health care provider in any manner based on his or her declining to participate in a health care service that violates his or her conscience. For purposes of this chapter, discrimination includes, but is not limited to: termination, transfer, refusal of staff privileges, refusal of board certification, adverse administrative action, demotion, loss of career specialty, reassignment to a different shift, reduction of wages or benefits, refusal to award any grant, contract, or other program, refusal to provide residency training opportunities, or any other penalty, disciplinary or retaliatory action.

SECTION 11. Section 41-107-7, Mississippi Code of 1972, is brought forward as follows:

41-107-7. (1) **Rights of Conscience.** A health care institution has the right not to participate, and no health care institution shall be required to participate in a health care service that violates its conscience. However, this subsection does not allow a health care institution to refuse to participate in a health care service regarding a patient because of the patient's race, color, national origin, ethnicity, sex, religion, creed or sexual orientation.

(2) **Immunity from Liability.** A health care institution that declines to provide or participate in a health care service that violates its conscience shall not be civilly, criminally or administratively liable if the institution provides a consent form



to be signed by a patient before admission to the institution stating that it reserves the right to decline to provide or participate in a health care service that violates its conscience. However, this subsection does not exempt a health care institution from liability for refusing to participate in a health care service regarding a patient because of the patient's race, color, national origin, ethnicity, sex, religion, creed or sexual orientation.

(3) **Discrimination.** It shall be unlawful for any person, public or private institution, or public official to discriminate against any health care institution, or any person, association, corporation, or other entity attempting to establish a new health care institution or operating an existing health care institution, in any manner, including, but not limited to, any denial, deprivation or disqualification with respect to licensure, any aid assistance, benefit or privilege, including staff privileges, or any authorization, including authorization to create, expand, improve, acquire, or affiliate or merge with any health care institution, because such health care institution, or person, association, or corporation planning, proposing, or operating a health care institution, declines to participate in a health care service which violates the health care institution's conscience.

(4) **Denial of Aid or Benefit.** It shall be unlawful for any public official, agency, institution, or entity to deny any form of aid, assistance, grants or benefits, or in any other manner to



coerce, disqualify or discriminate against any person,
association, corporation or other entity attempting to establish a
new health care institution or operating an existing health care
institution because the existing or proposed health care
institution declines to participate in a health care service
contrary to the health care institution's conscience.

SECTION 12. Section 41-107-9, Mississippi Code of 1972, is
brought forward as follows:

41-107-9. (1) **Rights of Conscience.** A health care payer
has the right to decline to pay, and no health care payer shall be
required to pay for or arrange for the payment of a health care
service that violates its conscience. However, this subsection
does not allow a health care payer to decline to pay or arrange
for the payment of a health care service regarding a patient
because of the patient's race, color, national origin, ethnicity,
sex, religion, creed or sexual orientation.

(2) **Immunity from Liability.** No health care payer and no
person, association, corporation or other entity that owns,
operates, supervises or manages a health care payer shall be
civilly or criminally liable by reason of the health care payer's
declining to pay for or arrange for the payment of a health care
service that violates its conscience. However, this subsection
does not exempt from liability a health care payer, or the owner,
operator, supervisor or manager of a health care payer, for
declining to pay or arranging for the payment of a health care



537 service regarding a patient because of the patient's race, color,
538 national origin, ethnicity, sex, religion, creed or sexual
539 orientation.

540 (3) **Discrimination.** It shall be unlawful for any person,
541 public or private institution, or public official to discriminate
542 against any health care payer, or any person, association,
543 corporation, or other entity (a) attempting to establish a new
544 health care payer, or (b) operating an existing health care payer,
545 in any manner, including, but not limited to, any denial,
546 deprivation, or disqualification with respect to licensure, aid,
547 assistance, benefit, privilege or authorization, including, but
548 not limited to, any authorization to create, expand, improve,
549 acquire, affiliate or merge with any health care payer, because a
550 health care payer, or a person, association, corporation or other
551 entity planning, proposing or operating a health care payer
552 declines to pay for or arrange for the payment of any health care
553 service that violates its conscience.

554 (4) **Denial of Aid or Benefits.** It shall be unlawful for any
555 public official, agency, institution or entity to deny any form of
556 aid, assistance, grants, or benefits or in any other manner
557 coerce, disqualify or discriminate against any health care payer,
558 or any person, association, corporation or other entity attempting
559 to establish a new health care payer or operating an existing
560 health care payer because the existing or proposed health care



561 payer declines to pay for, or arrange for the payment of, any
562 health care service that is contrary to its conscience.

563 **SECTION 13.** This act shall take effect and be in force from
564 and after July 1, 2025.

