

SR-43, As Adopted by Senate, April 29, 2009

Senator George offered the following resolution:

Senate Resolution No. 43.

A resolution to express opposition to the Obama Administration's plan to repeal recently-adopted federal conscience clause regulations.

Whereas, On December 18, 2008, the Bush Administration finalized regulations to implement existing federal laws protecting health care providers who object to performing procedures that violate their religious beliefs or moral convictions. The Church amendments, Public Health Service Act, Section 245, and the Weldon amendment provide the statutory foundations that prohibit federal funds from being used to perpetuate discrimination against health care providers; and

Whereas, The recent move by the Obama Administration to rescind the conscience clause regulations jeopardizes the right of a health care professional to follow his or her personal or religious convictions. This regulation was carefully designed to safeguard against forced violations of conscience in federally-funded health care programs; and

Whereas, The Bush Administration's decision brought a long-awaited resolution to the dilemma of countless medical professionals by approving the implementation of this right of conscience rule. The final rule's certification requirement would ensure that recipients of federal Department of Health and Human Services funding are aware of the nondiscrimination requirements contained in federal law and that they are committed to complying with these laws. The rescission proposal's suggestion of an "outreach and education" effort is a poor substitute for this effective and targeted compliance mechanism of certification; and

Whereas, If conscientiously-opposed individuals and institutions were forced to make a choice between performing abortions and facing punishment, they will still not perform abortions but, instead, face the punishment--whether this means loss of a job, loss of participation in a government program, or even civil or criminal penalties. This results in the provider being punished for heeding the voice of conscience; and

Whereas, The provider conscience regulation enhances clarity and reduces ambiguity and confusion. It faithfully implements the terms of the statute, and the Obama Administration, therefore, should retain it; now, therefore, be it

Resolved by the Senate, That we express opposition to the federal rule change to eliminate a health care professional's right to refrain from performing morally-objectionable procedures; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.