

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

SENATE BILL 444

5 By: Senator K. Hammer  
6 By: Representative L. Johnson  
7

## For An Act To Be Entitled

8 AN ACT TO AMEND THE MEDICAL ETHICS AND DIVERSITY ACT;  
9 AND FOR OTHER PURPOSES.  
10

## Subtitle

11 TO AMEND THE MEDICAL ETHICS AND  
12 DIVERSITY ACT.  
13

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
15

16 SECTION 1. Arkansas Code § 17-80-503(5), concerning the definition of  
17 healthcare service within the Medical Ethics and Diversity Act, is amended to  
18 read as follows:  
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20 (5) "Healthcare service" means medical research or medical care  
21 provided to a patient at any time over the entire course of treatment,  
22 including without limitation:  
23

- 24 (A) Initial examination;
- 25 (B) Patient referral;
- 26 (C) Counseling or psychological therapy;
- 27 (D) Therapy;
- 28 (E) Testing;
- 29 (F) Research;
- 30 (G) Diagnosis or prognosis;
- 31 (H) Instruction;
- 32 (I) Dispensing or administering, or both, of any drug,  
33 medication, or device;
- 34 (J) Set up or performance of a surgery or other procedure;
- 35 (K) Recordkeeping and recordmaking procedures and notes  
36



1 related to treatment; and

2 (L) Other care or services provided by a medical  
3 practitioner or healthcare institution;

4  
5 SECTION 2. Arkansas Code § 17-80-504 is amended to read as follows:  
6 17-80-504. Right of conscience.

7 (a) A medical practitioner, healthcare institution, or healthcare  
8 payer:

9 (1) Has the right not to participate in a healthcare service  
10 that violates his, her, or its conscience;

11 (2) Is not required to participate in a healthcare service that  
12 violates his, her, or its conscience;

13 (3) Is not civilly, criminally, or administratively liable for  
14 declining to participate in a healthcare service that violates his, her, or  
15 its conscience;

16 (4) Is not civilly, criminally, or administratively liable for  
17 the exercise of conscience rights not to participate in a healthcare service  
18 by a medical practitioner employed, contracted, or granted admitting  
19 privileges by a healthcare institution; and

20 (5) Shall not be discriminated against in any manner based upon  
21 his, her, or its declining to participate in a healthcare service that  
22 violates his, her, or its conscience.

23 (b) Exercise of the right of conscience is limited to conscience-based  
24 objections to a particular healthcare service.

25 (c) A worker in the medical field, whether a contractor or employee,  
26 has the right to not facilitate or participate in an abortion, assisted  
27 suicide, or gender transition procedure or service in any manner.

28 (d) A medical practitioner, healthcare institution, or healthcare  
29 payer that holds himself, herself, or itself out to the public as religious,  
30 states in its governing documents that it has a religious purpose or mission,  
31 and has internal operating policies or procedures that implement its  
32 religious beliefs has the right to make employment, staffing, contracting,  
33 and admitting privilege decisions consistent with his, her, or its religious  
34 beliefs.

35 ~~(d)~~(e) The right of conscience described in subsection (a) of this  
36 section does not include the right to deny emergency medical care as required

1 under 42 U.S.C. § 1395dd, as existing on January 1, 2021, or any other  
2 federal law governing emergency medical treatment, as existing on January 1,  
3 2021.

4 ~~(e)(1)~~(f)(1) When a medical practitioner declines to participate in a  
5 healthcare service for reasons of conscience, the medical practitioner shall  
6 alert the employing healthcare institution at the earliest reasonable time  
7 and comply with any applicable protocol developed under this section.

8 (2)(A) A healthcare institution may develop a protocol for  
9 situations in which a medical practitioner declines to participate in a  
10 healthcare service.

11 (B) The protocol shall provide for prompt patient access  
12 to medical records to facilitate transfer, if needed.

13 (3) This section does not require a healthcare institution or  
14 medical practitioner to perform a healthcare service, counsel, or refer a  
15 patient regarding a healthcare service that is contrary to the conscience of  
16 the medical practitioner or healthcare institution.

17 ~~(f)(1)~~(g)(1) This section does not prohibit an employer or contracting  
18 healthcare institution from disclosing the specific healthcare services that  
19 an applicant would be required to participate in if he or she is hired for  
20 the position or contract.

21 (2) Upon being informed of the specific healthcare services  
22 required of the position or contract, the applicant shall disclose whether  
23 he, she, or it has a conscience objection to any of those required duties.

24 (3) However, a medical practitioner or healthcare institution  
25 shall be able to decline to participate in a healthcare service that violates  
26 his, her, or its conscience if the employer or contracting healthcare  
27 institution, after employment, adds healthcare services to a medical  
28 practitioner's or healthcare institution's duties that would require the  
29 medical practitioner or healthcare institution to provide services that  
30 violate his, her, or its conscience.

31 ~~(g)(1)~~(h)(1) A healthcare payer shall file its conscience policies  
32 annually with the State Insurance Department by including a comprehensive  
33 list by billing code of any and all products, services, and procedures that  
34 the healthcare payer shall not pay or make payment for reasons of conscience.

35 (2) The annual filing described in subdivision ~~(g)(1)~~ (h)(1) of  
36 this section shall:

1 (A) Be provided annually to each beneficiary of the  
2 healthcare payer and on the website of the healthcare payer; and

3 (B) Not be required for any year in which the healthcare  
4 payer will not exercise its conscience rights under this subchapter.

5 ~~(h)(i)~~ A healthcare payer shall not use a conscience objection to  
6 refuse or reduce payments to a healthcare provider, healthcare institution,  
7 or beneficiary for any product, service, or procedure that is not included in  
8 the annual filing required under subdivision ~~(g)(1)~~ (h)(1) of this section.

9 ~~(i)(j)~~ A healthcare payer shall not compel by undue influence, fraud,  
10 or duress a healthcare provider, healthcare institution, or beneficiary to  
11 accept a contract or contract amendment that violates the conscience of the  
12 healthcare provider, healthcare institution, or beneficiary.

13 ~~(j)(k)~~ The department may issue rules and take any other action  
14 necessary or appropriate to enforce subsections ~~(g)-(i)~~ (h)-(j) of this  
15 section.  
16

17 SECTION 3. Arkansas Code Title 17, Chapter 80, Subchapter 5, is  
18 amended to add additional sections to read as follows:

19 17-80-507. Protection from discrimination.

20 (a) A healthcare provider shall not be discriminated against because  
21 the healthcare provider:

22 (1) Provided, caused to be provided, or is about to provide or  
23 cause to be provided information relating to any act or omission the  
24 healthcare provider reasonably believes to be a violation of any provision of  
25 this subchapter to:

26 (A) His or her employer;

27 (B) The Attorney General;

28 (C) The Department of Health;

29 (D) Any state agency charged with protecting healthcare  
30 rights of conscience;

31 (E) The United States Department of Health and Human  
32 Services;

33 (F) The United States Office for Civil Rights; or

34 (G) Any state or federal agency charged with protecting  
35 healthcare rights of conscience; or

36 (2) Testified, assisted, or participated, or is about to

1 testify, assist, or participate, in a proceeding concerning a violation.

2 (b) Unless the disclosure is specifically prohibited by law, a  
3 healthcare provider shall not be discriminated against because the healthcare  
4 provider discloses information, including by a formal or informal  
5 communication, transmission, or discussion, that the healthcare provider  
6 reasonably believes evidences:

7 (1) Any violation of any law; or

8 (2) Gross mismanagement, a gross waste of funds, an abuse of  
9 authority, a practice or method of treatment that may put patient health at  
10 risk, or a substantial and specific danger to public health or safety.

11 (c) Notwithstanding any other provision in this section, a complaint  
12 by a medical practitioner against another medical practitioner shall be  
13 submitted according to the peer review process mandated by the Health Care  
14 Quality Improvement Act of 1986, 42 U.S.C. § 11101 et seq., as existing on  
15 January 1, 2025.

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17 17-80-508. First Amendment protections.

18 (a)(1) A state licensing, certifying, or recognizing board or entity,  
19 or the Department of Health, shall not reprimand, sanction, revoke, or  
20 threaten to revoke a license, certification, or registration of, or otherwise  
21 discriminate against, a medical practitioner for engaging in speech,  
22 expression, or association that is protected from government interference by  
23 the First Amendment of the United States Constitution, unless the board,  
24 entity, or the department, as applicable, demonstrates by clear and  
25 convincing evidence that the medical practitioner's speech, expression, or  
26 association was the direct cause of physical harm to a person with whom the  
27 medical practitioner had a practitioner-patient relationship within the three  
28 (3) years immediately preceding the incident of physical harm.

29 (2) The licensing, certifying, or recognizing board or entity,  
30 or the department, as applicable, shall:

31 (A) Provide a medical practitioner with any complaints it  
32 has received that may result in the revocation of the medical practitioner's  
33 license, certification, or registration, within twenty-one (21) days after  
34 receipt of the complaint; and

35 (B) Pay the medical practitioner an administrative penalty  
36 of five hundred dollars (\$500) for each day the complaint is not provided to

1 the medical practitioner after the specified twenty-one (21) days.

2 (b) A political subdivision of this state shall not contract with,  
3 approve, or require an individual to obtain certifications or credentials  
4 issued or approved by a specialty board or other recognizing or certifying  
5 entity that revokes the certification of, or refuses to issue certification  
6 to, an individual because the individual has engaged in speech, expression,  
7 or association that is protected from government interference by the First  
8 Amendment of the United States Constitution if the individual was not  
9 providing medical advice or treatment to a specific patient that resulted in  
10 physical harm to the patient.

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