SENATE CONCURRENT RESOLUTION No. 84

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED FEBRUARY 5, 2018

Sponsored by:
Senator TROY SINGLETON
District 7 (Burlington)

SYNOPSIS
Urges the federal government to rescind proposed rules and not establish a Division of Conscience and Religious Freedom.

CURRENT VERSION OF TEXT
As introduced.
A Concurrent Resolution urging the federal administration to ensure that the Office for Civil Rights provides all citizens the ability to access needed health care.

Whereas, The Trump Administration has announced plans to overhaul the Office for Civil Rights in the Department of Health and Human Services, to provide greater protections for health care workers who wish to decline to provide access and service to individuals; and

Whereas, The Department of Health and Human Services issued the proposed rule “Protecting Statutory Conscience Rights in Health Care; Delegations of Authority” that will give the Office for Civil Rights authority to be more proactive, and provide greater oversight over health care facilities and other entities, to ensure that health care workers are permitted to use their religious beliefs to decline to provide care to individuals; and

Whereas, The Trump Administration has indicated that it is establishing a Division of Conscience and Religious Freedom to implement increased oversight and other activities which will allow health care workers to not provide services to individuals if those services are in conflict with the health care workers’ own individual religious beliefs; and

Whereas, The First Amendment of the United States Constitution protects the right to freedom of religion and freedom of expression from government interference and guarantees a separation of church and state; and

Whereas, The Establishment clause of the First Amendment prohibits the government from encouraging or promoting religion in any way; and

Whereas, Legal challenges to the proposed division and rules will most likely need to be directed to the courts to determine if the Trump Administration is in violation of constitutional principles by establishing a division to protect individuals who are using their own personal religious beliefs to deny care and access to health care for other individuals; and

Whereas, The State Legislature of New Jersey does not support the Trump Administration’s promotion of ideals which foster discriminatory activities which could prevent individuals from accessing quality health care; now, therefore,

Be it Resolved by the Senate of the State of New Jersey (the General Assembly concurring):

1. The Trump Administration is strongly urged to reverse the decision to establish a Division of Conscience and Religious Freedom in the Office for Civil Rights.
2. The Department of Health and Human Services is strongly encouraged to rescind the proposed rule “Protecting Statutory Conscience Rights in Health Care; Delegations of Authority” because it may limit certain individuals’ access to health care.

3. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly or the Secretary of the Senate to the President of the United States, the Vice-President of the United States, the Commissioner of Health and Human Services and the Director of the Office for Civil Rights.

STATEMENT

This resolution strongly urges the federal government to not establish a Division of Conscience and Religious Freedom and to rescind proposed rules allowing for greater oversight of health care facilities and other entities to ensure that health care workers are permitted to use their religious beliefs to deny care to individuals.

The Trump Administration has announced plans to overhaul the Office for Civil Rights in the Department of Health and Human Services (HHS) to provide greater protections for health care workers who wish to deny access and service to individuals. HHS issued the proposed rule “Protecting Statutory Conscience Rights in Health Care; Delegations of Authority” that will give the Office for Civil Rights authority to be more proactive and provide greater oversight over health care facilities and other entities to ensure that health care workers are permitted to use their religious beliefs to deny care to individuals.

The Trump Administration has indicated that it will create a Division of Conscience and Religious Freedom to carry out the increased oversight and other activities allowing health care workers to restrict coverage for individuals seeking care that may be in conflict with the health care workers’ own individual religious doctrines. The State Legislature of New Jersey does not support the Trump Administration’s promotion of ideals which foster discriminatory activities which could prevent individuals from accessing quality health care.