

Religious Refusal Laws

The facts

Religious refusal laws allow individuals or institutions to deny someone reproductive health care if it violates their religious beliefs. Some institutions, like hospitals and clinics, are allowed religious refusals -- meaning an entire hospital or clinic can refuse to provide contraception, abortion, or sterilization services within the facility. In other cases, an individual provider can refuse to do so based on his or her religious belief. The federal law says that an employer must accommodate an employee for his or her religious belief if doing so does not cause an undue burden on the employer. Many states have tried to comply with the federal law by enacting their own laws, which sometimes provide greater protections for employers. In some states, if an individual refuses to provide emergency contraception, for example, then there must be another pharmacist on site to provide the medication. However, this is not the case in every state. In some states, a pharmacist, provider, or hospital does not even need to refer you to somewhere where you can get the medicine or procedure you need.

A staggering number of states allow providers to refuse to perform an abortion. Forty-six states allow individual healthcare providers to refuse to provide abortion services. Forty-four states allow entire healthcare institutions to refuse to provide abortion services, 13 of those states allow private healthcare institutions to refuse and one state allows only a religious healthcare entity to refuse to provide abortion care.

Thirteen states allow some healthcare providers to refuse to provide services related to contraception. Six of those states explicitly permit pharmacists to refuse to dispense contraceptives. Six more states have broad refusal clauses that do not specifically include pharmacists, but may apply to them. Nine states allow healthcare institutions to refuse to provide services related to contraception; five of these states only allow private entities to refuse services related to birth control.

Eighteen states allow some healthcare providers to refuse to provide sterilization services. 17 states allow individual healthcare providers to refuse to provide sterilization services. 16 states allow healthcare institutions to refuse to provide sterilization services; four limit the exception to private entities.

Why it matters

As more and more hospitals become privatized with religious doctrines in the bylaws, even in large urban areas, timely access to contraception and abortion services is in serious jeopardy. Refusal clauses are an even bigger problem in rural areas where the distance to another provider can place a significant barrier to getting either an abortion or contraception. In some states, providers and hospitals don't have to refer to another provider even if there is a life-threatening situation.

Refusal clauses impact young people who may be navigating the healthcare system on their own for the first time. Facing judgment from a provider can discourage someone from seeking the medical care they need. Everyone deserves to have access to a full range of healthcare services, free from stigma. Accessing reproductive health services is often time-sensitive and creating barriers, like religious refusals, makes it challenging and sometimes impossible to access the care young people need. While it is important to protect religious beliefs, that should not happen at the expense of another person's health and well-being.

What's happening in my state:

Alabama: Alabama does not have state specific religious refusal laws, but they must comply with the federal law that allows for religious accommodations, if the accommodation does not pose an undue burden on the employer.

California: An individual provider or religious institution can refuse to provide abortion services.

Georgia: Allows both an individual provider and an institution to refuse to provide abortion services. A pharmacist can refuse to provide contraception. An individual provider or institution can refuse to provide sterilization services.

Kansas: Allows both an individual provider and an institution to refuse to provide abortion services. A broadly worded refusal clause permits refusal if the provider "reasonably believes" the drug or device "may result" in an abortion could allow an individual provider or pharmacist to refuse to provide contraception. Individual providers and institutions can refuse to provide sterilization services.

Ohio: An individual provider or institution can refuse to provide an abortion.

Texas: An individual provider or a private institution can refuse to provide abortion services.



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