Procedural Protections in Reproductive Health Care Conscience Laws

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SUMMARY
This dataset identifies the procedural protections established by laws and regulations in all 50 states and the District of Columbia that protect the conscience rights of health care providers and institutions in the context of reproductive health care services. The data specifically focus on immunity from civil liability and limitations on provider rights in cases where patients are likely to be harmed. This longitudinal dataset captures the relevant features of laws in effect from December 18, 2018 through December 31, 2019.

ABOUT PROCEDURAL PROTECTIONS IN REPRODUCTIVE HEALTH CARE CONSCIENCE LAWS & THE DATA

Health care conscience laws are intended to protect the rights of individuals and institutions whose conscientious or religious beliefs impact the ways in which they provide health care services. In most states, these conscience laws apply only in the context of specific health care services that may lead to ethical conflict – for example, reproductive health services, withdrawal of life-sustaining treatment, and physician aid-in-dying. Reproductive health conscience laws are the most common, and have been adopted in nearly every state. The most common types of conscience laws in reproductive health care are those that grant providers the right to refuse to participate in abortion.

Most conscience laws explicitly protect health care providers and institutions from legal action taken by injured patients (civil liability). They also protect against criminal prosecution, discipline by state licensing boards or other administrative agencies, adverse action by employers, or discrimination in educational opportunities, among other negative consequences that might result from their action or inaction with respect to a medical procedure with which they disagree. These procedural protections may be limited in situations where a patient’s health or safety is at risk.

This dataset identifies the procedural protections established by laws and regulations in all 50 states and the District of Columbia that protect the conscience rights of health care providers in the context of reproductive health care services. The data specifically focus on immunity from civil liability and limitations on provider rights in cases where patients are likely to be harmed. This dataset captures the relevant features of laws in effect from December 18, 2018 through December 31, 2019.

Some findings from the dataset as of December 31, 2019 include:
- Forty-seven U.S. states have health care conscience laws relating to participation in abortion; 46 of these states protect conscience-based refusal to participate in abortion; one state (Vermont) does not protect abortion refusers, but only protects those who choose to participate in abortion from governmental interference.
- Seventeen states have conscience laws relating to sterilization, while 16 have conscience laws relating to contraception; five have conscience laws relating to emergency contraception; and nine have conscience laws relating to some other type of reproductive health service.
- The most common types of procedural protections explicitly established by state health care conscience laws relating to participation in abortion are protections from civil liability (37 states), disciplinary action (30 states), discrimination (26 states), and adverse employment action (26 states).

**NAVIGATING THE DATA**
There are two ways to navigate the data by clicking the **Filter** tab or the **Explore** tab — for each option, the data can be visualized in a map and table format or in jurisdiction profiles.

**Filter**
The dataset homepage will default to the Filter tab. Here, users may answer a series of questions to learn more about the characteristics of the laws. Answering more than one question will show all the jurisdictions that meet the combined criteria. Criteria selected will be listed above the questions, and can be removed by clicking the white X or by clicking “Reset” above the questions.

**Explore**
Users can access Explore by clicking the Explore tab in the bar above the questions. Using Explore, users will see the answers to one question across all jurisdictions.

The dataset includes five primary questions that ask whether there is a conscience law relating to five areas of reproductive health: abortion, sterilization, contraception, emergency contraception, and any other reproductive health care service. Under each primary question, four secondary, or “child” questions provide more information about the contents of the laws related to that specific health care service or procedure:

1. Which explicit procedural protections does the law provide?
2. Which providers, if any, are entitled to protection from civil liability?
3. Does the conscience law establish any explicit patient protections?
4. Has the conscience law been held unenforceable in whole or in part?

**DISPLAYING THE RESULTS**
There are two display modes once criteria have been selected by using either the Filter or Explore tab — **Map** display mode and **Profiles** display mode.

**Map Display**
LawAtlas.org dataset homepages default to the map display mode. When querying the data using the Filter tab, all jurisdictions that meet the criteria selected will display in one tone of yellow. Those jurisdictions that do not meet the criteria selected will be colored gray. When querying the data using the Explore tab, the map will illuminate with colors from yellow to red
that are associated with the various answer choices (the color-coding is defined by the key to the left of the map).

Below the map, a table will appear. Using the Filter or Explore tab to navigate the questions will change the display:

- Using the Filter tab, you can select an unlimited number of criteria and the applicable jurisdictions that meet the combined criteria will be displayed in the table below.
- Using the Explore tab, you can isolate a single criterion and the applicable jurisdictions will appear in the table below.

Profiles Display
The Profiles display presents the results of the criteria selected in a text-based format for each applicable jurisdiction. Using the Filter tab, jurisdictions that meet the criteria selected will display. Using the Explore tab, jurisdictions that meet the criterion selected will display. If no criteria are selected, the full profiles for each state will appear under both Filter and Explore.

Profile Legend
Within each Profile box, above the questions and answers, there are additional options and information useful in exploring the law:

<table>
<thead>
<tr>
<th>$§$</th>
<th><strong>Toggle Legal Text</strong> – Selecting this option will show all the legal text used to answer questions for this jurisdiction.</th>
</tr>
</thead>
<tbody>
<tr>
<td>$≡≡$</td>
<td><strong>Toggle Full Place Profile</strong> – Selecting this option will show all questions and answers for this jurisdiction, regardless of what was selected using the Filter or Explore tabs.</td>
</tr>
<tr>
<td>$↑↑$</td>
<td><strong>Toggle Size</strong> – Selecting this option will make the profile larger, but will not change the information displayed.</td>
</tr>
</tbody>
</table>

Map and Profile Legend
There are a few symbols to be aware of in both Map and Profiles display modes:

| $§$ | **Section Symbol** – Clicking this symbol will open a window that displays excerpts from the law correspond to the question and answer. |
| $⚠️$ | **Caution Note** – Clicking on this symbol will open a small window that displays text that describes important caveats about the question and answer. |

DATASET RESOURCES
Each dataset homepage includes the following resources available for download:

- Data: The Data file exports in CSV format and may contain two tabs. The “Statistical Data” tab contains the legal variables coded in the dataset, displayed as values defined in the accompanying Codebook. The “Summary Data” tab contains the legal variables
coded in the dataset in text form, as well as the accompanying citations and any caution notes that may be included. Note: if there is only one tab available for download it will be the “Statistical Data” as described above.

- **Codebook**: The Codebook defines all of the coded variables in the dataset. The Codebook lists the question, question type, variable name, variable value and variable label. The Codebook should be used in conjunction with the Statistical Data extract.
  
- **Research Protocol**: The Research Protocol is a comprehensive document that outlines the entire methodology of the project, including the scope, inclusion and exclusion criteria, data collection methods, definitions, coding scheme decisions, as well as the quality control process.

- **Summary Report**: The Summary Report provides a snapshot of important findings from the dataset.

**CONTACT US TO REPORT AN ISSUE WITH THE DATA**

While reasonable efforts have been made to ensure that the information in this resource is complete and accurate, the creators make no guarantee that it is error free; if you encounter information that you believe is inaccurate, please contact Nadia N. Sawicki at nsawicki@luc.edu.

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