

OPPOSE

SB 239

HEALTHCARE DISCRIMINATION LAW

SB 239 COULD CAUSE CHAOS & DISCRIMINATION IN HOSPITALS

- SB239 would allow any worker in a healthcare setting to deny services or refuse to perform key aspects of their job for any reason—including prejudice—without repercussion if they can justify it as a “sincerely held religious, moral, or ethical” belief. It also would allow insurance companies to refuse to pay for any service based on virtually any grounds.
- 76% of Kentucky voters oppose SB239 according to a Mason-Dixon Poll, Feb. 2024. (<https://tinyurl.com/SB239>)
- Three federal judges struck down a similar U.S. Department of Health and Human Services rule in 2019 citing violations of Title VII and EMTALA. (<https://tinyurl.com/HHSRules>)
- The definition of “conscience” is so broad it allows for *any* type of belief to be used to deny healthcare service or refuse to do a job in a hospital or medical office:
“Conscience” means the sincerely held religious, moral, or ethical principles held by a medical practitioner, a health care institution, or a health care payer...conscience shall be determined by reference to its existing or proposed governing documents, including religious, moral, or ethical guidelines, mission statement, constitution, bylaws, articles of incorporation, policies, regulations, or other relevant documents
- The definition of “Medical Practitioner” is so broad it applies to *any* worker in a healthcare setting, from doctors, nurses, and pharmacists, to ambulance drivers, dietitians, receptionists, even janitorial staff:
“Medical practitioner” means any person or individual who may be or is asked to participate in a health care service. “Medical practitioner” includes but is not limited to doctors, nurses, practitioners, physician’s assistants, nurses, nurse’s aides, allied health professionals, medical assistants, hospital employees, clinic employees, nursing home employees, pharmacists, pharmacy technicians and employees, medical school faculty and students, nursing faculty and students, psychology and counseling faculty and students, medical researchers, laboratory technicians, counselors, social workers, or any other person who facilitates or participates in the provision of health care to any person
- Some examples of how SB239 could be used to discriminate:
 - A receptionist could refuse to check in a patient who is receiving an HIV test.
 - A nurse could refuse to provide a prescription for PrEP, the HIV prevention drug.
 - A counselor could refuse to provide grief counseling to a same-sex couple where one spouse has been diagnosed with cancer because it would involve “same-sex marriage counseling.”

FAIRNESS
C A M P A I G N

