

# OPPOSE

# SB 72

## HEALTHCARE DISCRIMINATION LAW

### SB 72 COULD CAUSE CHAOS & DISCRIMINATION IN HOSPITALS

- SB72 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.
- 76% of Kentucky voters oppose measures like SB72 according to a 2024 Mason-Dixon Poll. (<https://tinyurl.com/SB72KYGA26>)
- 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. In January 2024 HHS released a final rule rescinding major parts of the 2019 “License to Discriminate” rule.
- 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 health care professional or a health care institution...a health care institution’s 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 “Health Care Professional” 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:  
*“Health care professional” means any person or individual who is authorized to participate in a health care service. “Health care professional” 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, or social workers;*
- Some examples of how SB72 could be used to discriminate against patients:
  - o A receptionist could refuse to check in a patient wearing a MAGA hat.
  - o A custodian could refuse to clean an interracial couple’s hospital room in the maternity ward.
  - o A pharmacist could refuse to provide a prescription for HIV prevention drugs.
  - o A counselor could refuse to provide grief counseling to an unmarried couple where one partner has been diagnosed with cancer.