

SB 567 STAFF MEASURE SUMMARY

Senate Committee On Health Care

Prepared By: Oliver Droppers, LPRO Analyst

Meeting Dates: 3/3, 3/8

WHAT THE MEASURE DOES:

Defines terms. Prohibits licensed or certified health care providers or individuals acting on behalf of a provider from denying, limiting, or restricting a medical service based on a patient's race, color, national origin, sex, sexual orientation, gender identity, age, or disability. Declares emergency, effective on passage.

REVENUE: May have revenue impact, but no statement yet issued.

FISCAL: May have fiscal impact, but no statement yet issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Enacted on March 23, 2010, Section 1557 of the Affordable Care Act (ACA) prohibits any health care program or activity (e.g., insurance companies, health systems or hospitals, and individual providers), which receives federal financial assistance (e.g., Medicare, Medicaid) from discriminating against patients due to race, color, national origin, or disability. Section 1557 of the ACA incorporated existing federal civil rights laws, specifically, Title VI of the Civil Rights Act of 1964 (race, color, national origin), Title IX of the Education Amendments of 1972 (sex), the Age Discrimination Act of 1975, 42 USC § 200d *et seq.* (race, color, national origin), Section 504 of the Rehabilitation Act of 1973 (disability) and 29 USC § 794 (disability).

On May 18, 2016, the federal Office for Civil Rights of the Department of Health and Human Services (HHS) finalized a key provision of Section 1557 defining sex discrimination based on sex stereotyping, gender expression, and gender identity, among other things. In 2016, the final rule was challenged by several states and a larger health system. In 2020, HHS promulgated a revised final rule under Section 1557--removing certain nondiscrimination protections related to gender identify and expression, clarifying the rule does not apply to health insurers, and modifying other regulatory provisions established in the 2016 rule. States can extend non-discrimination protection no longer covered by the 2020 final rule.

Senate Bill 567 prohibits discrimination in health care based on a patient's race, color, national origin, sex, sexual orientation, gender identity, age, or disability.