

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2025 Regular Session**

Part I: Measure Information

Bill Request #:	1505	Bill #:	SB 132
Document ID #:	3354	Sponsor:	Senator Donald R. Douglas
Bill Title:	AN ACT relating to the recruitment and retention of health care professionals and declaring an emergency		

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local

Office(s) Impacted: Local hospitals, health departments and local government-owned clinics

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Other Fiscal Statement(s) that may exist: Actuarial Analysis Corrections Impact
 Health Benefit Mandate State Employee Health Plan

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 132 would create new sections of KRS Chapter 344 to establish a right in a health care professional or health care institution to refuse to participate in a health care service which violates their conscience (the “right of conscience”). The right would be limited to conscience-based objections to a particular health care service. The Act would prohibit discrimination by way of adverse action or threatened adverse action, i.e. penalty, discipline or retaliation against a health care professional or health care institution for exercising their right of conscience.

Section 2 of the Act would establish definitions for the Act, for example, would define “health care institution” as any public or private hospital clinic, medical center, professional association, ambulatory surgical center, private doctor’s office, pharmacy, nursing home, medical school, nursing school, medical training facility, and any other entity or location where health care services are provided. Section 2 would also define “conscience”, “discrimination”, “health care professional”, “health care service” and other terms used throughout SB 132.

Section 3 would prohibit the Commonwealth and any of its agencies or political subdivisions, including a hiring or licensing authority, to reprimand, sanction, deny, or revoke or threaten to revoke a license, certification or other credential of a health care professional for engaging in speech or expression protected by the First Amendment, unless able to demonstrate that the action is the least restrictive means to further a compelling government interest.

Section 5 would create a new section of KRS Chapter 344, titled Civil Rights, to establish that, if a hiring or licensing authority receives a complaint about a health care professional the authority would be required to send notice of the complaint to the health care professional if the authority finds sufficient reason to investigate, and must provide an opportunity to respond to the complaint. The notice must be sent within 25 days of the complaint or within the applicable statutory time frame if different than 25 days. The hiring or licensing authority would be required to pay the health care professional an administrative penalty of \$50 for every 2 weeks the complaint is not provided to the health care professional after the 25-day deadline.

Section 6 of the Act would provide a person injured by a violation of SB 132 the right to bring a civil lawsuit for an injunction, to recover damages and costs of litigation, including attorney fees, and for any other appropriate relief.

SB 132 Section 1 would establish that a health care professional still must comply with requirements of federal law to provide emergency medical care, and to conduct examinations and collect evidence as required by federal law regarding sexual assault crimes.

SB 132 would have no or minimal fiscal impact on local governments. Most hospitals, including hospitals owned or operated by a local government, have sufficient staff that SB 132 would not present a burden on performing a medical service if one staff member exercises their right of conscience and refuses to provide that service. The situation could be different for a local or regional health department, particularly in a rural or small community. A rural or small local health department or community clinic would be less likely to have sufficient staff to perform a medical service if one staff member exercises their right of conscience and refuses to do so, and may need to hire an additional professional to perform the service, at an additional cost. The notice and hearing requirements of SB 132 would also be more burdensome on a small or rural hospital, health department, and clinic; however, the Kentucky Health Department Association reports they see no fiscal impact on health departments as a result of SB 132.

Data Source(s): Kentucky Hospital Association; Kentucky Health Department Association

Preparer: MS **Reviewer:** JB (MDA) **Date:** 2/28/25