Illinois Health and Hospital Association

October 25, 2021

House Amendment 2 to Senate Bill 1169 was filed this morning to amend the Health Care Right of Conscience Act. The General Assembly is expected to vote on the amendment later this week during its second and final week of the Veto Session.

IHA supports the amendment to very narrowly clarify that the Act was never intended to prohibit requirements aimed at preventing the transmission of a deadly virus during a global pandemic, as is the case with COVID-19. The Act is now being misused and misconstrued to block essential steps that will keep hospital patients and staff safe at this critical time. We strongly support hospitals being able to vaccinate their staff against COVID-19 to prevent the transmission and spread of this deadly disease so they can continue to provide life-saving care.

The amendment reads as follows:

"Section 5. The Health Care Right of Conscience Act is amended by adding Section 13.5 as follows:

*"*Sec. 13.5. Violations *related to COVID-19 requirements. It is not a violation of this Act for any person or public official, or for any public or private association, agency, corporation, entity, institution, or employer, to take any measures or impose any requirements, including, but not limited to, any measures or requirements that involve provision of services by a physician or health care personnel, intended to prevent contraction or transmission of COVID-19 or any pathogens that result in COVID-19 or any of its subsequent iterations. It is not a violation of this Act to enforce such measures or requirements, including by terminating employment or excluding individuals from a school, a place of employment, or public or private premises in response to noncompliance. This Section is a declaration of existing law and shall not be construed as a new enactment. Accordingly, this Section shall apply to all actions commenced or pending on or after the effective date of this amendatory Act of the 102nd General Assembly. Nothing in this Section is intended to affect any right or remedy under federal law."*

This legislation has been posted for a hearing of the House Executive Committee on Tuesday, October 26 at 3:30 p.m.

ACTION REQUESTED: Contact your state Representative and Senator now and urge them to vote Yes on House Amendment 2 to Senate Bill 1169. To look up your state legislators and their contact information, *click here* (fill in the zip code box under "Find Officials/Look up and contact your officials" on the right side of the webpage).

You can also send email messages to your legislators by *clicking here*.

If you have any questions or concerns, contact IHA.

Suggested Talking Points

- I respectfully urge you to vote Yes on House Amendment 2 to Senate Bill 1169 to very narrowly clarify the Health Care Right of Conscience Act.
- Hospitals across the state are requiring their healthcare professionals to be vaccinated against COVID-19 because it closely aligns with their mission to care for their patients and protect their staff to ensure that they are safe.
- Unfortunately, the Health Care Right of Conscience Act, a critically important statute that provides certain protections for healthcare professionals, is now being misused in a way that was never intended, undermining those protections.
- As a result, some hospitals are facing litigation or being threatened with litigation over their efforts to keep their patients

and staff safe.

- We strongly support hospitals being able to vaccinate their staff against COVID-19 to prevent the transmission and spread of this deadly disease so they can continue to provide life-saving care.
- Please vote Yes on House Amendment 2 to Senate Bill 1169.
