

2021 BILLS & TALKING POINTS

SB 289: TO CREATE THE MEDICAL ETHICS AND DIVERSITY ACT.

Sponsors: Sen. Kim Hammer and Rep. Brandt Smith

Issue: Health/Health Equity

Summary: This bill would allow any healthcare provider in the state of AR to refuse care to any individual as a matter of the provider's "right to conscience". It also states that any healthcare provider that denies care for this reason shall be lawfully protected from "discrimination, punishment, or retaliation as a result of any instance of conscientious medical objection."

Concerns: This bill will allow any healthcare provider to willfully discriminate against potential patients via their "right to conscience" which is described in the legislation as "the religious, moral, ethical, or philosophical beliefs" of the healthcare provider. This bill would remove fundamental protections against discrimination on a broad basis. The ability of healthcare providers to refuse care based on selective personal values is dangerous to the access and delivery of quality healthcare, specifically in a rural state such as AR.

NASW AR Position: Opposes SB 289

Talking Points:

- Most licensed healthcare providers are bound to ethical codes specific to their professions, most of which elevate the well-being of the patient and specifically prohibit refusing to provide services based on personal beliefs or values. Section XI(C) of the AR Social Work Licensing Board's Rules defines unprofessional conduct as "[r]efusing to provide professional services to a person on the basis of race, religion, creed, color, gender, disability, age, or national origin."
- SB 289 jeopardizes the possibility of an accessible, functional state healthcare system by compromising any chance of a united standard of care.
- SB 289 would allow any healthcare provider to not only refuse to provide services- according to the legislation, the provider has no duty to provide a diagnosis or even a referral to another provider. This is especially problematic in areas with a limited number of providers. Further, this is likely to worsen disparities in access to care for the most vulnerable members of society.
- NASW Arkansas opposes SB 289, which will impede the ability of every Arkansan to exercise autonomy in seeking equitable access to quality healthcare.

HB 1114 CONCERNING THE SUPERVISION FEE FOR PROBATION AND PAROLE.

Sponsor: Rep. Jeff Wardlaw

Issue: Criminal Justice

Summary: This bill seeks to increase fees for people on parole, who often already struggle to get back on their feet, find employment, and secure stable housing – all while paying fines and fees to the state. HB1114 would burden these individuals with even higher fees, trapping them in a cycle of poverty and incarceration that makes all Arkansans less safe.

Concerns: Collateral consequences that place an undue burden on already vulnerable Arkansans.

NASW AR Position: Opposes HB 1114

Talking Points:

- Collateral consequences are sanctions and disqualifications that can place a burden on individuals trying to re-enter society.
- Collateral consequences tend to last indefinitely or long after an individual has been adjudicated for a criminal offense.
- NASW supports the elimination of collateral consequences that prevent individuals trying to re-enter society and lead lives as productive citizens.
- NASW supports legislation that funds reentry programs for returning citizens and expanding current programs, such as the U.S. Department of Labor's Reintegration of Ex-Offenders program.

After historic turnout in the 2020 election, some Arkansas politicians are doubling down on efforts to make it harder to vote with measures that would disproportionately impact voters of color, older and rural voters, as well as low-income communities.

SB 3 CREATING A SENTENCE ENHANCEMENT FOR CERTAIN OFFENSES COMMITTED AGAINST A PERSON DUE TO THE PERSON'S ATTRIBUTES; AND TO REQUIRE AN ANNUAL REPORT CONCERNING THE COMMISSION OF HATE CRIMES IN ARKANSAS.

Sponsor: Sen. Jim Hendren

Issue: Criminal Justice

Summary: This bill would impose up to 20% additional jail time or fines for targeting someone because of several factors, including race, religion, sexual orientation, or gender identity. Prosecutors would have to prove the victim's attributes were a substantial factor in the crime being committed.

Concerns: Collateral consequences that place an undue burden on already vulnerable Arkansans.

NASW AR Position: Supports SB 3

Talking Points:

- Arkansas is one of only three states in the U.S. to not have a hate crime bill. This belies our beliefs and values as social workers. One of the 12 Grand Challenges of Social Work is to create a more socially and economically community where all residents can live free from the terror of biased-crimes.
- Governor Asa Hutchinson announced his support of this bill and made it a priority, as major corporations have endorsed it, as well as have communities where hate groups have flourished.
- NASW Arkansas supports the enhancement of penalties for criminal offenses when the action has a bias-related motive. Though not included in this bill, we also support the establishment of a bias resource center, as this type of independent agency would provide expert legal assistance on matters involving bias related acts of violence, offering remedies to the problem.
- Passage of a hate crimes bill is important to support a diverse workforce and to show that Arkansas is a place of inclusion and equity.
- We must recognize that hate crimes, and even bias-motivated behaviors that are not criminal, victimize not only the targeted individuals or groups, but the entire community. Communities become victims when hate crime erodes mutual respect and civility, and undermines the citizens' sense of well-being and safety.

SB 354 GENDER INTEGRITY REINFORCEMENT LEGISLATION FOR SPORTS ACT' or "GIRLS ACT"

Sponsor: Sen. Missy Irvin and Rep. DeAnn Vaught

Issue: Education

Summary: This bill would ban transgender athletes from competing in girls' and women's school sports in Arkansas. This bill is in direct conflict to President Joe Biden's executive order in January to prevent and combat discrimination based on gender identity or sexual orientation.

Concerns: Social Work values the Dignity/Self-worth of the individual and Advocacy for equal rights for the LGBTQ community. Not only does this bill aim to grant sweeping protection for gender discrimination, but our state would suffer in more ways than possibly anticipated. Other states' agencies would prohibit paying for travel to Arkansas, and major college sports conferences, such as the SEC, would no longer include Arkansas.

NASW AR Position: Opposes SB 354W

Talking Points:

- Senate Bill 354, "Gender Integrity Reinforcement Legislation for Sports Act", or "GIRLS Act" was introduced by Leslie Rutledge with sponsors, Senator Missy Irvin and Representative DeAnn Vaught.
- Title IX states that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." (<https://titleix.harvard.edu/what-title-ix>). This protection should apply to transgender student athletes.
- Basically, the argument is inclusivity vs. fairness/safety. Do we allow transgender women to compete in women's sports or do we prohibit their participation even though there is a lack of substantial scientific evidence that transgender women athletes have any physical advantage over cisgender female athletes? The studies quoted in SB 354 refer to cisgender male athletes and physical advantages they can have over cisgender female athletes. These studies do not include male athletes that have begun hormone suppression treatment and how hormone suppression treatment could affect their physical attributes over cisgender female athletes.
- Regarding safety, the fear seems to be that transgender women could harm or make cisgender female athletes uncomfortable. This is a homophobic/stereotype that could be made about lesbian athletes. Heterosexual and gay athletes still utilize the same locker rooms and space.
- According to the NY times, the N.C.A.A. began welcoming transgender athletes in 2011. Although transgender athletes are required to undergo hormone suppression treatment for at least 1 year before being eligible, there is no set permissible limit of testosterone (<https://www.nytimes.com/2020/08/18/sports/transgender-athletes-womens-sports-idaho.html>). (<https://www.womenssportsfoundation.org/advocacy/what-is-title-ix/>)
- Under Title IX there are no sport exclusions or exceptions, so football is included under the law. Meaning a girl could play on the school's football team, even though it's male-dominated sport. Similarly, a school cannot say that it cannot afford to provide participation opportunities for an underrepresented gender. Statistically and historically, women have been underrepresented in sports. This should also include transgender women.