



WISCONSIN STATE SENATOR  
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## **Republicans Open the Door to Discrimination in Healthcare**

(MADISON)—Today, Senator Tim Carpenter issued the following statement regarding 2019 Wisconsin Assembly Bill 26:

“I am extremely frustrated and offended by the changes that were made to Assembly Bill 26, as well as the method that the majority used to achieve them. Originally, AB 26 was for the purpose of expanding healthcare access and options, by allowing Direct Primary Care clinics to operate more freely in Wisconsin. This would allow patients and doctors to negotiate the terms of their services directly through a contract.

“In their original bill, Representative Sanfelippo and Senator Chris Kapenga included bold language that would have protected people from discrimination in these clinics on the basis of their age, citizenship status, color, disability, gender or gender identity, genetic information, health status, existence of a preexisting medical condition, national origin, race, religion, sex, sexual orientation, or any other protected class. With this language, and the testimony of many doctors who would like to practice under the model of Direct Primary Care, they were able to argue a decent case that this bill would make healthcare more accessible throughout the state.

“In fact the bill could even have been considered progressive because of the anti-discrimination language that they included, which went beyond even Wisconsin’s Public Accommodations Law, s. 106.52(3), with its protections for: age, citizenship status, gender or gender identity, genetic information, health status, or preexisting condition. Their bill made sure to be inclusive, by following up with saying that people would be protected if they belonged to any other protected class as well.

“At the last minute, however, on the day that the Wisconsin State Assembly was set to vote on AB 26, Representative Sanfelippo introduced Assembly Amendment 2 to Assembly Bill 26 which significantly changed this set of protections and undermines the broadly applied though somewhat less generous provisions of the Public Accommodations Law. Although Representative Mark Spreitzer requested more time in order to fully understand the implications of this amendment, his request was denied by the majority.

“The amendment had two particular effects on the bill. One is to ensure that a healthcare provider is not required to enter an agreement with a patient whose medical condition is such that the health care provider is unable to provide the appropriate level and type of health care services. The other effect was to remove the list of classes that the bill would protect from discrimination, and replace it with a reference



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to Wis. Stats. 51.90, law that Wisconsin adopted as a participant in the Interstate Compact on Mental Health, and disallows discrimination on the basis of age, race, creed, color, sex or handicap.

“In doing this, Representative Sanfelippo took back not only the groundbreaking language that was provided in his original bill, but also undermined Wisconsin’s Public Accommodations law. *This makes it possible for Direct Primary Care clinics to discriminate on the basis of sexual orientation, national origin, and ancestry.* And leaves anyone who is refused services on that basis to take their complaints against the clinic to court. *By amending the bill to apply the more limited list in s. 51.90, the Republican majority demonstrated the Legislature’s intent to exclude these protections provided by the Public Accommodations Law.*”

“Ultimately, Rep. Sanfelippo’s Amendment passed the Assembly on a party-line vote, the bill then passed as amended on a party-line vote as well. Members of the minority in the Assembly made it clear that they had planned on voting for the bill, which would have made it bipartisan. They could no longer support the bill once they learned the effect of Assembly Amendment 2.

“When the bill came to us in the State Senate, I provided an amendment that would rectify this error, by restoring the original language from the bill. My colleagues from the minority and I implored the majority to think about the outcomes that could occur if they took no action, and the way it feels to be discriminated against. In the end, Republicans decided to table my amendment, once again on a party-line vote. By taking this action, the Senate majority reaffirmed that it is the intent of the Legislature to undermine Wisconsin’s Public Accommodations Law.

“It is my belief that in the area of access to healthcare, discrimination should not play a roll. If a person needs to see a doctor, they should not be turned away because of their perceived nation of origin, citizenship status, sexual orientation or gender identity. It is time for us to recognize that healthcare is a right. The majority in the legislature came within a hair’s breadth of moving our state *forward* by offering new protections for people’s citizenship status, gender or gender identity, genetic information, and health status. Instead, they decided they would rather take our state a giant step backward by sneaking in an amendment at the last minute on the Assembly floor.”

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