

# SB0174S04 compared with SB0174S02

~~{Omitted text}~~ shows text that was in SB0174S02 but was omitted in SB0174S04

inserted text shows text that was not in SB0174S02 but was inserted into SB0174S04

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1                                   **Exercise of Religious Beliefs and Conscience Amendments**  
  2026 GENERAL SESSION  
  STATE OF UTAH  
  **Chief Sponsor: Keven J. Stratton**  
  House Sponsor:



2  
3   **LONG TITLE**

4   **General Description:**

5       This bill addresses the right of a person to refuse to participate in certain activities relating  
6   to a health care service that violates the person's religious beliefs or conscience.

7   **Highlighted Provisions:**

8       This bill:

- 9       ▶ defines terms;
- 10      ▶ provides that a health care provider~~{, a health care institution, or a health care payer }~~ has a right  
of religious belief or conscience that permits the health care provider~~{, institution, or payer }~~ to refuse  
to provide~~{, }~~ or participate in~~{, pay for, or arrange payment for }~~ a health care service that violates the  
~~{person's }~~ health care provider's religious beliefs or conscience;
- 14      ▶ protects a person who exercises the person's right of religious belief or conscience from being  
held civilly, criminally, or administratively liable for exercising the right;
- 16      ▶ requires a health care provider who refuses, under the right of religious belief or conscience, to  
participate in a health care service, to provide advance notice to the health care institution where the  
service is provided;

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- 19           ▶ prohibits discrimination or adverse action against a person in retaliation for the person exercising  
the person's right of religious belief or conscience;
- 21           ▶ { ~~requires a health care payer agreement to disclose the health care services that the health  
care payer does not pay for due to the exercise of the right of religious belief or conscience;~~ }
- 24           ▶ provides for certain government entities to investigate and take administrative action against a  
person regulated by the government entity who violates the provisions of this bill relating to the exercise  
of the right of religious belief or conscience;
- 27           ▶ permits legal action, under certain circumstances, against a person who violates the provisions of  
this bill relating to the exercise of the right of religious belief or conscience;
- 30           ▶ permits a health care provider, on the grounds of religious belief or conscience, to refuse to  
perform or participate in the disposal of remains from the termination of a pregnancy; and
- 33           ▶ makes technical changes.

### 30 Money Appropriated in this Bill:

31           None

### 32 Other Special Clauses:

33           None

### 34 Utah Code Sections Affected:

35 AMENDS:

36           **58-1-501** , as last amended by Laws of Utah 2025, Chapter 138

37           **76-7-306** , as last amended by Laws of Utah 2023, Chapter 330

38 ENACTS:

39           **63G-33-301** , Utah Code Annotated 1953

40           **63G-33-302** , Utah Code Annotated 1953

41           **63G-33-303** , Utah Code Annotated 1953

42           **63G-33-304** , Utah Code Annotated 1953

43           **63G-33-305** , Utah Code Annotated 1953

44           ~~**63G-33-306** , Utah Code Annotated 1953~~

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45 *Be it enacted by the Legislature of the state of Utah:*

46           Section 1. Section **58-1-501** is amended to read:

47           **58-1-501. Unlawful and unprofessional conduct.**

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- 53 (1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful under this title and  
includes:
- 55 (a) practicing or engaging in, representing oneself to be practicing or engaging in, or attempting to  
practice or engage in any profession requiring licensure under this title, except the behavioral health  
technician under Chapter 60, Part 6, Behavioral Health Coach and Technician Licensing Act, if the  
person is:
- 59 (i) not licensed to do so or not exempted from licensure under this title; or
- 60 (ii) restricted from doing so by a suspended, revoked, restricted, temporary, probationary, or inactive  
license;
- 62 (b)
- (i) impersonating another licensee or practicing a profession under a false or assumed name, except as  
permitted by law; or
- 64 (ii) for a licensee who has had a license under this title reinstated following disciplinary action,  
practicing the same profession using a different name than the name used before the disciplinary  
action, except as permitted by law and after notice to, and approval by, the division;
- 68 (c) knowingly employing any other person to practice or engage in or attempt to practice or engage in  
any profession licensed under this title if the employee is not licensed to do so under this title;
- 71 (d) knowingly permitting the person's authority to practice or engage in any profession licensed under  
this title to be used by another, except as permitted by law;
- 73 (e) obtaining a passing score on a licensure examination, applying for or obtaining a license, or  
otherwise dealing with the division or a licensing board through the use of fraud, forgery, or  
intentional deception, misrepresentation, misstatement, or omission;
- 76 (f)
- (i) issuing, or aiding and abetting in the issuance of, an order or prescription for a drug or device to a  
person located in this state:
- 78 (A) without prescriptive authority conferred by a license issued under this title, or by an exemption  
to licensure under this title; or
- 80 (B) with prescriptive authority conferred by an exception issued under this title or a multistate  
practice privilege recognized under this title, if the prescription was issued without first  
obtaining information, in the usual course of professional practice, that is sufficient to establish

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a diagnosis, to identify underlying conditions, and to identify contraindications to the proposed treatment; and

- 86 (ii) Subsection (1)(f)(i) does not apply to treatment rendered in an emergency, on-call or cross coverage  
situation, provided that the person who issues the prescription has prescriptive authority conferred  
by a license under this title, or is exempt from licensure under this title; or
- 90 (g) aiding or abetting any other person to violate any statute, rule, or order regulating a profession under  
this title.
- 92 (2)
- (a) "Unprofessional conduct" means conduct, by a licensee or applicant, that is defined as  
unprofessional conduct under this title or under any rule adopted under this title and includes:
- 95 (i) violating any statute, rule, or order regulating an a profession under this title;
- 96 (ii) violating, or aiding or abetting any other person to violate, any generally accepted professional  
or ethical standard applicable to an occupation or profession regulated under this title;
- 99 (iii) subject to the provisions of Subsection (4), engaging in conduct that results in conviction, a  
plea of nolo contendere, or a plea of guilty or nolo contendere that is held in abeyance pending  
the successful completion of probation with respect to a crime that, when considered with the  
functions and duties of the profession for which the license was issued or is to be issued, bears  
a substantial relationship to the licensee's or applicant's ability to safely or competently practice  
the profession;
- 105 (iv) engaging in conduct that results in disciplinary action, including reprimand, censure, diversion,  
probation, suspension, or revocation, by any other licensing or regulatory authority having  
jurisdiction over the licensee or applicant in the same profession if the conduct would, in this  
state, constitute grounds for denial of licensure or disciplinary proceedings under Section  
58-1-401;
- 110 (v) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar chemicals, to  
the extent that the conduct does, or might reasonably be considered to, impair the ability of the  
licensee or applicant to safely engage in the profession;
- 113 (vi) practicing or attempting to practice a profession regulated under this title despite being  
physically or mentally unfit to do so;
- 115 (vii) practicing or attempting to practice a or profession regulated under this title through gross  
incompetence, gross negligence, or a pattern of incompetency or negligence;

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- 118 (viii) practicing or attempting to practice a profession requiring licensure under this title by any  
form of action or communication which is false, misleading, deceptive, or fraudulent;
- 121 (ix) practicing or attempting to practice a profession regulated under this title beyond the scope of  
the licensee's competency, abilities, or education;
- 123 (x) practicing or attempting to practice a profession regulated under this title beyond the scope of  
the licensee's license;
- 125 (xi) verbally, physically, mentally, or sexually abusing or exploiting any person through conduct  
connected with the licensee's practice under this title or otherwise facilitated by the licensee's  
license;
- 128 (xii) acting as a supervisor without meeting the qualification requirements for that position that are  
defined by statute or rule;
- 130 (xiii) issuing, or aiding and abetting in the issuance of, an order or prescription for a drug or device:
- 132 (A) without first obtaining information in the usual course of professional practice, that is sufficient  
to establish a diagnosis, to identify conditions, and to identify contraindications to the proposed  
treatment; or
- 135 (B) with prescriptive authority conferred by an exception issued under this title, or a multi-state  
practice privilege recognized under this title, if the prescription was issued without first obtaining  
information, in the usual course of professional practice, that is sufficient to establish a diagnosis, to  
identify underlying conditions, and to identify contraindications to the proposed treatment;
- 141 (xiv) violating a provision of Section 58-1-501.5;
- 142 (xv) violating the terms of an order governing a license;[-or]
- 143 (xvi) violating Section 58-1-511[-] ; or
- 144 (xvii) a violation of a provision of Title 63G, Chapter 33, Part 3, Free Exercise of Religious Beliefs  
or Conscience, by a health care provider, as defined in Section 63G-33-301.
- 147 (b) "Unprofessional conduct" does not include:
- 148 (i) a health care provider, as defined in Section 78B-3-403 and who is licensed under this title, deviating  
from medical norms or established practices if the conditions described in Subsection (5) are met;  
and
- 151 (ii) notwithstanding Section 58-1-501.6, a health care provider advertising that the health care provider  
deviates from medical norms or established practices, including the maladies the health care  
provider treats, if the health care provider:

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- 154 (A) does not guarantee any results regarding any health care service;
- 155 (B) fully discloses on the health care provider's website that the health care provider deviates from  
medical norms or established practices with a conspicuous statement; and
- 158 (C) includes the health care provider's contact information on the website.
- 159 (3) Unless otherwise specified by statute or administrative rule, in a civil or administrative proceeding  
commenced by the division under this title, a person subject to any of the unlawful and  
unprofessional conduct provisions of this title is strictly liable for each violation.
- 163 (4) The following are not evidence of engaging in unprofessional conduct under Subsection (2)(a)(iii):
- 165 (a) an arrest not followed by a conviction; or
- 166 (b) a conviction for which an individual's incarceration has ended more than five years before the date  
of the division's consideration, unless:
- 168 (i) after the incarceration the individual has engaged in additional conduct that results in another  
conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is held in abeyance  
pending the successful completion of probation; or
- 172 (ii) the conviction was for:
- 173 (A) a violent felony as defined in Section 76-3-203.5;
- 174 (B) a felony related to a criminal sexual act under Title 76, Chapter 5, Part 4, Sexual Offenses, or Title  
76, Chapter 5b, Sexual Exploitation Act;
- 176 (C) a felony related to criminal fraud or embezzlement, including a felony under Title 76, Chapter 6,  
Part 5, Fraud, or Title 76, Chapter 6, Part 4, Theft; or
- 178 (D) a crime or a pattern of crimes that demonstrates a substantial potential to harm Utah patients or  
consumers, as may be determined by the director in a process defined by rule made in accordance  
with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 182 (5) In accordance with Subsection (2)(b)(i), a health care provider may deviate from medical norms or  
established practices if:
- 184 (a) the health care provider does not deviate outside of the health care provider's scope of practice  
and possesses the education, training, and experience to competently and safely administer the  
alternative health care service;
- 187 (b) the health care provider does not provide an alternative health care service that is otherwise contrary  
to any state or federal law;

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- (c) the alternative health care service has reasonable potential to be of benefit to the patient to whom the alternative health care service is to be given;
- 191 (d) the potential benefit of the alternative health care service outweighs the known harms or side effects of the alternative health care service;
- 193 (e) the alternative health care service is reasonably justified under the totality of the circumstances;
- 195 (f) after diagnosis but before providing the alternative health care service:
- 196 (i) the health care provider educates the patient on the health care services that are within the medical norms and established practices;
- 198 (ii) the health care provider discloses to the patient that the health care provider is recommending an alternative health care service that deviates from medical norms and established practices;
- 201 (iii) the health care provider discusses the rationale for deviating from medical norms and established practices with the patient;
- 203 (iv) the health care provider discloses any potential risks associated with deviation from medical norms and established practices; and
- 205 (v) the patient signs and acknowledges a notice of deviation; and
- 206 (g) before providing an alternative health care service, the health care provider discloses to the patient that the patient may enter into an agreement describing what would constitute the health care provider's negligence related to deviation.
- 209 (6) As used in this section, "notice of deviation" means a written notice provided by a health care provider to a patient that:
- 211 (a) is specific to the patient;
- 212 (b) indicates that the health care provider is deviating from medical norms or established practices in the health care provider's recommendation for the patient's treatment;
- 214 (c) describes how the alternative health care service deviates from medical norms or established practices;
- 216 (d) describes the potential risks and benefits associated with the alternative health care service;
- 218 (e) describes the health care provider's reasonably justified rationale regarding the reason for the deviation; and
- 220 (f) provides clear and unequivocal notice to the patient that the patient is agreeing to receive the alternative health care service which is outside medical norms and established practices.

218 Section 2. Section 2 is enacted to read:

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### 63G-33-301. Definitions.

#### 3. Free Exercise of Religious Beliefs or Conscience

As used in this part:

227

(1)

(a) "Adverse action" means:

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(i) termination of employment;

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(ii) a demotion;

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(iii) an adverse administrative action;

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(iv) increased administrative duties;

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(v) refusal of staff privileges;

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(vi) refusal of board certification;

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(vii) loss of career specialty;

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(viii) reduction of wages, benefits, or privileges;

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(ix) refusal to award a grant, contract, or other program;

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(x) refusal to provide residency training opportunities;

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(xi) denial, deprivation, or disqualification of licensure;

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(xii) withholding or disqualifying from financial aid or other assistance;

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(xiii) an impediment to creating, expanding, or improving, a health care institution { or health care payer } ;

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(xiv) an impediment to acquiring, associating with, or merging with another health care institution { or health care payer } ; or

244

(xv) another penalty, disciplinary action, or retaliatory action.

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(b) "Adverse action" does not include:

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(b){ (i) } { "~~Adverse action" does not include~~ } reassigning an individual to a position of reasonably equal pay, opportunity, and circumstance, based on principles of sound business operation, unless the reassignment constitutes retaliation or punishment of the individual for exercising the individual's right of religious belief or conscience{ . } ; or

244

(ii) transfer, demotion, or termination of employment of a health care provider, if:

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(A) the health care services that the health care provider, based on the right or religious belief or conscience, refuses to participate in or provide are so numerous that the refusal will subject the

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- employer to undue hardship that cannot be avoided by less adverse means, including scheduling or other accommodations; or
- 250 (B) the health care services that the health care provider, based on the right or religious belief or  
conscience, refuses to participate in or provide are the primary or essential functions which the  
individual was hired to perform.
- 253 (2) "Belief-based health care institution" means a health care institution that:
- 254 (a) holds itself out to the public as religious based or conscience based;
- 255 (b) states in the health care institution's governing documents that the health care institution has a  
religious or conscience based purpose or mission; and
- 257 (c) has internal operating policies or procedures that implement the health care institution's religious  
beliefs or conscience.
- 249 (2){(3)} "Conscience" means a sincerely held belief as to the rightness or wrongness of an action or  
inaction.
- 251 (3){(4)} "Discriminate," when used in relation to a health care provider, {~~a health care institution, or a~~  
~~health care payer,~~ } means taking an adverse action, or threatening to take an adverse action, against  
the health care provider {~~, health care institution, or health care payer~~ } as a result of the health care  
provider {~~, health care institution, or health care payer~~ } :
- 255 (a) deciding to not participate in a health care service on the basis of religious belief or conscience; or
- 257 (b) reporting, or threatening to report, a violation of this part.
- 258 (4){(5)} "Division of Professional Licensing" means the Division of Professional Licensing, created in  
Section 58-1-103.
- 269 (6) "Emergency department" means the area of a hospital in which emergency services are provided 24  
hours a day.
- 260 (5){(7)} "Health care institution" means a person licensed, certified, or regulated under Title 26B,  
Chapter 2, Licensing and Certifications.
- 262 {(6)} {~~"Health care payer" means an employer, a health plan as defined in 45 C.F.R. Sec. 160.103,~~  
~~a health maintenance organization as defined in Section 31A-8-101, an insurance company, a~~  
~~management services organization, or another person that pays, in whole or in part for, or arranges~~  
~~for the payment, in whole or in part of, a health care service provided to a patient.}~~ }
- 267 (7){(8)} "Health care provider" means:
- 268 (a) an individual licensed, certified, or regulated under:

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- 269 (i) Title 58, Chapter 5a, Podiatric Physician Licensing Act;  
270 (ii) Title 58, Chapter 15, Health Facility Administrator Act;  
271 (iii) Title 58, Chapter 16a, Utah Optometry Practice Act;  
272 (iv) Title 58, Chapter 17b, Pharmacy Practice Act;  
273 (v) Title 58, Chapter 24b, Physical Therapy Practice Act;  
274 (vi) Title 58, Chapter 24c, Physical Therapy Licensure Compact;  
275 (vii) Title 58, Chapter 31b, Nurse Practice Act;  
276 (viii) Title 58, Chapter 31d, Advanced Practice Registered Nurse Compact;  
277 (ix) Title 58, Chapter 31e, Nurse Licensure Compact - Revised;  
278 (x) Title 58, Chapter 40, Recreational Therapy Practice Act;  
279 (xi) Title 58, Chapter 40a, Athletic Trainer Licensing Act;  
280 (xii) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act;  
281 (xiii) Title 58, Chapter 41a, Audiology and Speech-language Pathology Interstate Compact;  
283 (xiv) Title 58, Chapter 42a, Occupational Therapy Practice Act;  
284 (xv) Title 58, Chapter 42b, Occupational Therapy Licensure Compact;  
285 (xvi) Title 58, Chapter 44a, Nurse Midwife Practice Act;  
286 (xvii) Title 58, Chapter 54, Radiologic Technologist, Radiologist Assistant, and Radiology Practical  
Technician Licensing Act;  
288 (xviii) Title 58, Chapter 57, Respiratory Care Practices Act;  
289 ~~{(xix) {Title 58, Chapter 60, Mental Health Professional Practice Act;}}~~  
290 ~~{(xx) {Title 58, Chapter 60a, Counseling Compact;}}~~  
291 ~~{(xxi) {Title 58, Chapter 60b, Social Work Licensure Compact;}}~~  
292 ~~{(xxii) {Title 58, Chapter 61, Psychologist Licensing Act;}}~~  
293 ~~{(xxiii) {Title 58, Chapter 61b, Psychology Interjurisdictional Compact;}}~~  
294 (xxiv){(xix)} Title 58, Chapter 67, Utah Medical Practice Act;  
295 (xxv){(xx)} Title 58, Chapter 67b, Interstate Medical Licensure Compact;  
296 (xxvi){(xxi)} Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;  
297 (xxvii){(xxii)} Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act;  
298 (xxviii){(xxiii)} Title 58, Chapter 70a, Utah Physician Assistant Act;  
299 (xxix){(xxiv)} Title 58, Chapter 70b, Anesthesiologist Assistant Licensing Act;  
300 (xxx){(xxv)} Title 58, Chapter 70c, PA Licensure Compact;

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- 301 (xxxi){(xxvi)} Title 58, Chapter 71, Naturopathic Physician Practice Act;
- 302 (xxxii){(xxvii)} Title 58, Chapter 73, Chiropractic Physician Practice Act;
- 303 (xxxiii){(xxviii)} Title 58, Chapter 75, Genetic Counselors Licensing Act;
- 304 (xxxiv){(xxix)} Title 58, Chapter 77, Direct-Entry Midwife Act;
- 305 (xxxv){(xxx)} Title 58, Chapter 80a, Medical Language Interpreter Act;
- 306 (xxxvi){(xxxi)} Title 58, Chapter 81, Retired Volunteer Health Care Practitioner Act; {and} or
- 307 (xxxvii){(xxxii)} Title 58, Chapter 88, General Health Professions; or
- 308 (b) an individual employed or supervised by:
- 309 (i) a person described in Subsection {(7)(a)} (8)(a); or
- 310 (ii) a health care institution.
- 311 (8){(9)}
- (a) "Health care service" means medical care provided to a patient at a single time or over a period of time.
- 313 (b) "Health care service" includes:
- 314 (i) examination;
- 315 (ii) testing;
- 316 (iii) diagnosis;
- 317 (iv) dispensing or administering a drug, medication, or device;
- 318 {(+)} {~~psychological therapy or counseling;~~}
- 319 (vi){(v)} research;
- 320 (vii)(vi) prognosis;
- 321 (viii)(vii) therapy;
- 322 (ix)(viii) giving medical advice or taking action based on medical advice;
- 323 (x)(ix) the withholding or withdrawal of life-sustaining care or treatment;
- 324 (xi)(x) the termination of a pregnancy;
- 325 (xii)(xi) artificial insemination;
- 326 (xiii)(xii) gender transition;
- 327 (xiv)(xiii) contraception; or
- 328 (xv)(xiv) other care or services provided by a health care provider or health care institution.
- 330 (c) "Health care service" does not include medical care provided to an individual during, or before, transport of the individual to a health care facility.

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- 332 {~~(9) "Religious or conscience based entity" means a health care institution or health care payer that;~~}
- 334 {~~(a) {is a health care sharing ministry as defined in 26 U.S.C. Sec. 5000A(d)(2)(B)(ii); or}~~}
- 335 {~~(b) }~~}
- {~~(i) {holds itself out to the public as religious based or conscience based;}~~}
- 336 {~~(ii) {states in the health care institution's or health care payer's governing documents that the health~~  
~~care institution or health care payer has a religious or conscience based purpose or mission; and}~~}
- 339 {~~(iii) {has internal operating policies or procedures that implement the health care institution's or health~~  
~~care payer's religious beliefs or conscience.}~~}
- 341 (10) "Right of religious belief or conscience" means the right described in Subsection 63G-33-302(1)  
(a).

334 Section 3. Section 3 is enacted to read:

335 **63G-33-302. Right to refuse participation in certain matters due to a violation of religious**  
**belief or conscience -- Limitations and alternatives -- Advance notice of exercise of right of**  
**religious belief or conscience.**

347 (1) Except as provided in Subsections (3)(a) through (c), ~~or Subsection (8), a health care provider:~~

348 {~~(a) {a health care provider;}~~}

349 (i) ~~{(a)}~~ may refuse to participate in or provide a health care service that violates the health care  
provider's religious beliefs or conscience; and

351 (ii) ~~{(b)}~~ is not, and may not be held, civilly, criminally, or administratively liable for exercising the  
health care provider's right of religious belief or conscience{; and}.

353 {~~(b) {a health care institution, or a health care payer, that is a religious or conscience based entity;}~~}

355 {~~(i) {may refuse to participate in, provide, or pay in whole or in part for, a health care service that~~  
~~violates the health care provider's or health care payer's religious beliefs or conscience; and}~~}

358 {~~(ii) {is not, and may not be held, civilly, criminally, or administratively liable for exercising the health~~  
~~care institution's or health care payer's right of religious belief or conscience.}~~}

344 (2)

361 (2) ~~{(a)}~~ {A} Except as provided in Subsection (2)(b), a health care institution is not, and may not  
be held, civilly, criminally, or administratively liable for any claim related to, or arising out of,  
the exercise of the right of religious belief or conscience by a health care provider employed,  
contracted, or granted admitting privileges by the health care institution.

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(b) Subsection (2)(a) does not apply to liability that arises from an act or omission of the health care institution.

365 (3)

(a) This part:

366 (i) does not override the requirement to provide a medical screening examination and stabilizing treatment to a patient under the Emergency Medical Treatment and Labor Act, 42 U.S.C. Sec. 1395dd, or any other federal law or regulation; and

369 (ii) does not permit a health care provider to fail to provide a medical screening examination and stabilizing treatment to a patient while the patient is in the emergency department.

372 (b) Exercise of the right of religious belief or conscience is limited to objections to a particular health care service based on a person's religious belief or conscience.

374 (c) This part does not waive or modify a duty of a health care provider{, ~~health care institution, or health care payer~~ } to provide other medical services that do not violate the health care provider's{, ~~health care institution's, or health care payer's~~ } religious beliefs or conscience.

378 (d) A health care provider {~~or~~} that, due to the right of religious belief or conscience, refuses to participate in or provide a health care { ~~institution~~ } service shall prominently post the following statement on the health care provider's website, and in any reception area where the health care provider provides health care services:

393 (e) A health care provider described in Subsection { ~~63G-33-301(7)(a) and a health care institution~~ } 63G-33-301(8)(a) shall disclose to the Department of Health and Human Services the health care services that the health care provider { ~~or health care institution~~ } does not provide due to exercise of the right of religious belief or conscience.

397 (f) The Department of Health and Human Services shall:

398 (i) for each health care service that a health care provider { ~~or health care institution~~ } does not provide, due to exercise of the right of religious belief or conscience, maintain information on health care providers { ~~or health care institutions~~ } that provide the service;

402 (ii) post the information described in Subsection (3)(f)(i) on a website operated by the Department of Health and Human Services; and

404 (iii) designate a phone number that an individual who cannot access the website described in Subsection (3)(f)(ii) may call, during regular business hours, for assistance in obtaining the information described in Subsection (3)(f)(i).

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- 407 (4) A health care provider who refuses, under the right of religious belief or conscience, to participate in  
a health care service shall provide advance notice to the health care provider's employer, the health  
care institution where the health care service is to be performed, or both, as applicable:
- 411 (a) of the health care service in which the health care provider refuses to participate; and
- 412 (b) that, subject to Subsection (3)(a), the health care provider refuses to participate in the health care  
service because the health care service violates the health care provider's right of religious belief or  
conscience.
- 415 (5) An employer or health care institution that receives the advance notice described in Subsection (4)  
shall, to the extent reasonably practicable, schedule staffing in a manner that avoids placing the  
health care provider in a circumstance where the health care provider may be called upon to perform  
a health care service that violates the health care provider's religious beliefs or conscience.
- 420 (6) A health care provider's refusal to participate in a health care service that violates the health care  
provider's religious beliefs or conscience is not, by itself, evidence that the health care provider  
engaged in unlawful discrimination based on a protected class.
- 423 (7) This part:
- 424 (a) cannot be used to cancel or interfere with a term of an existing contract; and
- 425 (b) shall be applied in a manner that does not conflict with:
- 426 (i) the Church Amendments, 42 U.S.C. Sec. 300a-7;
- 427 (ii) the Coats-Snowe Amendment, 42 U.S.C. Sec. 238n;
- 428 (iii) the Consolidated Appropriations Act, 2023, Public Law 117-328, Div. H, Title V, General  
Provisions, Sec. 507(d)(1);
- 430 (iv) Safeguarding the Rights of Conscience as Protected by Federal Statutes, 89 C.F.R. Sec. 2078; or
- 432 (v) any other provision of federal law.
- 418 (8) A health care provider that is employed at, has admitting privileges at, or otherwise provides health  
care services at, or for, a belief-based health care institution may not use this part, or any provision  
of this part, to:
- 421 (a) refuse to provide a health care service at, or for, the belief-based health care institution that the  
health care provider is contractually required to provide at, or for, the belief-based health care  
institution;
- 424

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(b) refuse to provide a health care service at, or for, the belief-based health care institution in a manner that the health care provider is contractually required to use when providing the health care service at, or for, the belief-based health care institution;

428 (c) provide a health care service at, or for, the belief-based health care institution that the health care provider is contractually prohibited from providing at, or for, the belief-based health care institution;  
or

431 (d) provide a health care service at, or for, the belief-based health care institution in a manner that the health care provider is contractually prohibited from using when providing the health care service at, or for, the belief-based health care institution.

434 Section 4. Section 4 is enacted to read:

### 435 **63G-33-303. Discrimination prohibited.**

435 (1) A person may not discriminate against a health care provider{ ~~, health care institution, or health care payer~~ } :

437 (a) as a result of the health care provider's{ ~~, health care institution's, or health care payer's~~ } exercise of the right of religious belief or conscience; or

439 (b) because the person believes that the health care provider{ ~~, health care institution, or health care payer~~ } :

441 (i) alleged, or may allege, a violation of this part;

442 (ii) provided, caused to be provided, or may provide or cause to be provided, information relating to a potential violation of this part; or

444 (iii) testified, assisted, or participated in, or may testify, assist, or participate in, an investigation or proceeding regarding a potential violation of this part.

446 (2) Subsection (1) does not permit a health care provider{ ~~, health care institution, or health care payer~~ } to disclose information in violation of a provision of law.

447 Section 5. Section 5 is enacted to read:

### 448 **63G-33-304. {~~Health care payer -- Documentation and notice requirements~~} Administrative enforcement -- Court action.**

449 (1)

(a) A health care provider may file a complaint with the Division of Professional Licensing alleging a violation of this part by another health care provider.

451 (b) The Division of Professional Licensing may:

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- 452 (i) investigate a complaint described in Subsection (1)(a);  
453 (ii) take action, as provided in Section 58-1-501, against a health care provider who violates a provision  
of this part; or  
455 (iii) bring a legal action in a court with jurisdiction against a health care provider who violates a  
provision of this part.  
457 (c) If the Division of Professional Licensing does not investigate and take action under Subsection (1)  
(b), the health care provider that filed the complaint may bring an action in a court with jurisdiction  
for the alleged violation of this part.  
460 (d) If the Division of Professional Licensing brings a legal action under Subsection (2)(b), or a health  
care provider brings a legal action under Subsection (2)(c), the person who brings the action:  
463 (i) may seek, as a remedy for the alleged violation of this part, injunctive relief or damages; and  
465 (ii) if the person prevails in the action, is entitled to an award for reasonable attorney fees and costs.  
467 (2)  
(a) A health care provider may file a complaint with the Department of Health and Human Services  
alleging a violation of this part by a health care institution.  
450 (1){(b)} {~~Except as provided~~} The Department of Health and Human Services shall investigate a  
complaint described in Subsection {(2), a contract, policy} (1)(a) and take action, under Title 26B,  
{or other document executed between a person and} Chapter 2, Licensing and Certifications,  
against a health care {payer} institution that {requires the health care payer to pay for} violates this  
part, or {arrange for the payment of,} may bring a legal action in a court with jurisdiction against  
a health care {service provided to the person shall contain a statement} institution that violates this  
part, {in bold type} to:  
454 {(a) {stating that some health care services may not be provided, paid for, or arranged for payment,  
by the health care payer because the provision of those services violates the health care payer's  
religious beliefs or conscience as defined in Section 63G-33-301; and} }  
474 (i) enforce the provisions of this part; and  
475 (ii) if applicable, impose a penalty for the violation.  
476 (c) If the Department of Health and Human Services fails to investigate and take action under  
Subsection (2)(b), the health care provider that filed the complaint may bring an action in a court  
with jurisdiction for the alleged violation of this part.

458

## SB0174S02 compared with SB0174S04

(b){(d)} {listing} If the Department of Health and Human Services brings a legal action under Subsection (2)(b), or {disclosing} a {location on the internet that lists, the} health care {services the health care payer will not provide, pay for, or arrange payment for} provider brings a legal action under Subsection {~~(1):~~} (2)(c), the person who brings the action:

461 {~~(2) {A health care payer is not required to comply with Subsection (1) if the health care payer does not limit services based on the health care payer's religious beliefs or conscience.}}~~}

482 (i) may seek, as a remedy for the alleged violation of this part, injunctive relief or damages; and

484 (ii) if the person prevails in the action, is entitled to an award for reasonable attorney fees and costs.

486 Section 6. Section 6 is enacted to read:

487 63G-33-305. {Administrative enforcement -- Court action} Effect upon related provisions of law.

466 {~~(1) }~~}

{~~(a) {A health care provider, health care institution, or health care payer may file a complaint with the Division of Professional Licensing alleging a violation of this part by a health care provider.}}~~}

469 {~~(b) {The Division of Professional Licensing may:}}~~}

470 {~~(i) {investigate a complaint described in Subsection (1)(a);}}~~}

471 {~~(ii) {take action, as provided in Section 58-1-501, against a health care provider who violates a provision of this part; or}}~~}

473 {~~(iii) {bring a legal action in a court with jurisdiction against a health care provider who violates a provision of this part.}}~~}

475 {~~(c) {If the Division of Professional Licensing does not investigate and take action under Subsection (1) (b), the health care provider, health care institution, or health care payer that filed the complaint may bring an action in a court with jurisdiction for the alleged violation of this part.}}~~}

479 {~~(d) {If the Division of Professional Licensing brings a legal action under Subsection (2)(b), or a health care provider, health care institution, or health care payer brings a legal action under Subsection (2) (c), the person who brings the action:}}~~}

482 {~~(i) {may seek, as a remedy for the alleged violation of this part, injunctive relief or damages; and}}~~}

484 {~~(ii) {if the person prevails in the action, is entitled to an award for reasonable attorney fees and costs.}}~~}

486 {~~(2) }~~}

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- {(a) {A health care provider, health care institution, or health care payer may file a complaint with the Department of Health and Human Services alleging a violation of this part by a health care institution.}}
- 489 {(b) {The Department of Health and Human Services shall investigate a complaint described in Subsection (1)(a) and take action, under Title 26B, Chapter 2, Licensing and Certifications, against a health care institution that violates this part, or may bring a legal action in a court with jurisdiction against a health care institution that violates this part, to:}}
- 494 (i) {~~enforce the~~} The provisions of this part{~~; and~~} are applicable and available in addition to, and not in lieu of,
- 495 {(ii) {if applicable, impose a penalty for the violation.}}
- 496 {(c) {If the Department of Health and Human Services fails to investigate and take action under Subsection (2)(b), the health care provider, health care institution, or health care payer that filed the complaint may bring an action in a court with jurisdiction for the alleged violation of this part.}}
- 500 {(d) {If the Department of Health and Human Services brings a legal action under Subsection (2)(b), or a health care provider, health care institution, or health care payer brings a legal action under Subsection (2)(c), the person who brings the action:}}
- 503 {(i) {may seek, as a remedy for the alleged violation of this part, injunctive relief or damages; and}}
- 505 {(ii) {if the person prevails in the action, is entitled to an award for reasonable attorney fees and costs.}}
- 507 {(3) }
- {(a) {A health care provider, health care institution, or health care payer may file a complaint alleging a violation of this part by a health care payer to the state entity that regulates the health care payer.}}
- 510 {(b) {The state entity that regulates the health care payer shall investigate a complaint described in Subsection (3)(a) and take administrative action against a health care payer that violates this part, or may bring a legal action in a court with jurisdiction against a health care payer that violates this part, to:}}
- 514 (i) {~~enforce~~} the provisions of {~~this part; and~~} Section 76-7-306, relating to abortion, the termination of a pregnancy, or the
- 515 {(ii) {if applicable, impose a penalty for the violation.}}
- 516

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{(e) ~~{If the state entity that regulates the health care payer fails to investigate and take action under Subsection (3)(b), the health care provider, health care institution, or health care payer that filed the complaint may bring an action in a court with jurisdiction for the alleged violation of this part.}~~}

520 {(d) ~~{If the state entity that regulates the health care payer brings a legal action under Subsection (3)(b), or a health care provider, health care institution, or health care payer brings a legal action under Subsection (3)(c), the person who brings the action:}~~}

523 {(i) ~~{may seek, as a remedy for the alleged violation of this part, injunctive relief or damages; and}~~}

525 {(ii) ~~{if the person prevails in the action, is entitled to an award for reasonable attorney fees and costs.}~~}

### disposal of remains.

527 Section 7. Section 7 is enacted to read:

#### 528 **63G-33-306. Effect upon related provisions of law.**

The provisions of this part are applicable and available in addition to, and not in lieu of, the provisions of Section 76-7-306, relating to abortion, the termination of a pregnancy, or the disposal of remains.

491 Section 7. Section **76-7-306** is amended to read:

#### 492 **76-7-306. Refusal to participate, admit, or treat for abortion based on religious or moral grounds -- Cause of action.**

535 (1) As used in this section:

536 (a) "Conscience" means the same as that term is defined in Section 63G-33-301.

537 ~~[(a)]~~ (b) "Health care facility" [is-as] means the same as that term is defined in Section 26B-2-201.

539 ~~[(b)]~~ (c) "Health care provider" means an individual who is an employee of, has practice privileges at, or is otherwise associated with a health care facility.

541 (2) A health care provider may, on ~~[religious or moral grounds]~~ the grounds of religious belief or conscience, refuse to perform or participate in any way, in:

543 (a) an abortion;~~[-or]~~

544 (b) a procedure that is intended to, or likely to, result in the termination of a pregnancy~~[-:]; or~~

546 (c) the disposal of remains resulting from an abortion or a procedure described in Subsection (2)(b).

548 (3) Except as otherwise required by law, a health care facility may refuse, on ~~[religious or moral grounds]~~ the grounds of religious belief or conscience, to:

550

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- (a) admit a patient for an abortion procedure or another procedure that is intended to, or likely to, result in the termination of a pregnancy; or
- 552 (b) perform for a patient an abortion procedure or another procedure that is intended to, or likely to, result in the termination of a pregnancy.
- 554 (4) A health care provider's refusal under Subsection (2) [~~and~~] or a health care facility's refusal under Subsection (3) may not be the basis for civil liability or other recriminatory action.
- 557 (5) A health care facility, employer, or other person may not take an adverse action against a health care provider for exercising the health care provider's right of refusal described in Subsection (2), or for bringing or threatening to bring an action described in Subsection (6), including:
- 561 (a) dismissal;
- 562 (b) demotion;
- 563 (c) suspension;
- 564 (d) discipline;
- 565 (e) discrimination;
- 566 (f) harassment;
- 567 (g) retaliation;
- 568 (h) adverse change in status;
- 569 (i) termination of, adverse alteration of, or refusal to renew an association or agreement; or
- 571 (j) refusal to provide a benefit, privilege, raise, promotion, tenure, or increased status that the health care provider would have otherwise received.
- 573 (6)
- (a) A person who is adversely impacted by conduct prohibited in Subsection (5) may bring a civil action for equitable relief, including reinstatement, and for damages.
- 575 (b) A person who brings an action under this section must commence the action within three years after the day on which the cause of action arises.

536 Section 8. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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