



## SB0174 compared with SB0174S03

requires a ~~{medical practitioner}~~ 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;

- 19       ▶ prohibits discrimination or adverse action against a person in retaliation ~~{to}~~ 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 conscience;}~~
- 23       ▶ ~~{requires}~~ 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;
- 26       ▶ permits legal action, under certain circumstances, against a person who violates the provisions of this bill relating to the exercise of ~~{a}~~ the right of religious belief or conscience;
- 28       ▶ permits a health care provider, on ~~{religious}~~ the grounds of religious belief or ~~{moral grounds}~~ conscience, to refuse to perform or participate in the disposal of remains from the termination of a pregnancy; and
- 30       ▶ makes technical changes.

### 31 **Money Appropriated in this Bill:**

32       None

### 33 **Other Special Clauses:**

34       None

### 35 **Utah Code Sections Affected:**

36       AMENDS:

37       **58-1-501 , as last amended by Laws of Utah 2025, Chapter 138**

38       **76-7-306** , as last amended by Laws of Utah 2023, Chapter 330

39       ENACTS:

40       **63G-33-301** , Utah Code Annotated 1953

41       **63G-33-302** , Utah Code Annotated 1953

42       **63G-33-303** , Utah Code Annotated 1953

43       **63G-33-304** , Utah Code Annotated 1953

44       **63G-33-305** , Utah Code Annotated 1953

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

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

47 Section 1. Section 58-1-501 is amended to read:

48 **58-1-501. Unlawful and unprofessional conduct.**

49 (1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful under this title and  
includes:

51 (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:

55 (i) not licensed to do so or not exempted from licensure under this title; or

56 (ii) restricted from doing so by a suspended, revoked, restricted, temporary, probationary, or inactive  
license;

58 (b)

(i) impersonating another licensee or practicing a profession under a false or assumed name, except as  
permitted by law; or

60 (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;

64 (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;

67 (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;

69 (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;

72 (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:

74 (A) without prescriptive authority conferred by a license issued under this title, or by an exemption  
to licensure under this title; or

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- 76 (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  
a diagnosis, to identify underlying conditions, and to identify contraindications to the proposed  
treatment; and
- 82 (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
- 86 (g) aiding or abetting any other person to violate any statute, rule, or order regulating a profession under  
this title.
- 88 (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:
- 91 (i) violating any statute, rule, or order regulating a profession under this title;
- 92 (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;
- 95 (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;
- 101 (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;
- 106 (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;

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- (vi) practicing or attempting to practice a profession regulated under this title despite being physically or mentally unfit to do so;
- 111 (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;
- 114 (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;
- 117 (ix) practicing or attempting to practice a profession regulated under this title beyond the scope of the licensee's competency, abilities, or education;
- 119 (x) practicing or attempting to practice a profession regulated under this title beyond the scope of the licensee's license;
- 121 (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;
- 124 (xii) acting as a supervisor without meeting the qualification requirements for that position that are defined by statute or rule;
- 126 (xiii) issuing, or aiding and abetting in the issuance of, an order or prescription for a drug or device:
- 128 (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
- 131 (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;
- 137 (xiv) violating a provision of Section 58-1-501.5;
- 138 (xv) violating the terms of an order governing a license;[-øø]
- 139 (xvi) violating Section 58-1-511[-] ; or
- 140 (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.
- 143 (b) "Unprofessional conduct" does not include:
- 144

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- (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
- 147 (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:
- 150 (A) does not guarantee any results regarding any health care service;
- 151 (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
- 154 (C) includes the health care provider's contact information on the website.
- 155 (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.
- 159 (4) The following are not evidence of engaging in unprofessional conduct under Subsection (2)(a)(iii):
- 161 (a) an arrest not followed by a conviction; or
- 162 (b) a conviction for which an individual's incarceration has ended more than five years before the date of the division's consideration, unless:
- 164 (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
- 168 (ii) the conviction was for:
- 169 (A) a violent felony as defined in Section 76-3-203.5;
- 170 (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;
- 172 (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
- 174 (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.
- 178 (5) In accordance with Subsection (2)(b)(i), a health care provider may deviate from medical norms or established practices if:

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- 180 (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;
- 183 (b) the health care provider does not provide an alternative health care service that is otherwise contrary  
to any state or federal law;
- 185 (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;
- 187 (d) the potential benefit of the alternative health care service outweighs the known harms or side effects  
of the alternative health care service;
- 189 (e) the alternative health care service is reasonably justified under the totality of the circumstances;
- 191 (f) after diagnosis but before providing the alternative health care service:
- 192 (i) the health care provider educates the patient on the health care services that are within the medical  
norms and established practices;
- 194 (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;
- 197 (iii) the health care provider discusses the rationale for deviating from medical norms and established  
practices with the patient;
- 199 (iv) the health care provider discloses any potential risks associated with deviation from medical norms  
and established practices; and
- 201 (v) the patient signs and acknowledges a notice of deviation; and
- 202 (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.
- 205 (6) As used in this section, "notice of deviation" means a written notice provided by a health care  
provider to a patient that:
- 207 (a) is specific to the patient;
- 208 (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;
- 210 (c) describes how the alternative health care service deviates from medical norms or established  
practices;
- 212 (d) describes the potential risks and benefits associated with the alternative health care service;

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- 214 (e) describes the health care provider's reasonably justified rationale regarding the reason for the  
deviation; and
- 216 (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.

219 Section 2. Section 2 is enacted to read:

221 **63G-33-301. Definitions.**

3. Free Exercise of Religious Beliefs or Conscience

As used in this part:

223 (1)

51 (1){(a)} "Adverse action" means:

52 (a){(i)} termination of employment;

53 (b){(ii)} a demotion;

54 (c){(iii)} an adverse administrative action;

55 (d){(iv)} increased administrative duties;

56 (e){(v)} refusal of staff privileges;

57 (f){(vi)} refusal of board certification;

58 (g){(vii)} loss of career specialty;

59 (h){(viii)} reduction of wages, benefits, or privileges;

60 (i){(ix)} refusal to award a grant, contract, or other program;

61 (j){(x)} refusal to provide residency training opportunities;

62 (k){(xi)} denial, deprivation, or disqualification of licensure;

63 (l){(xii)} withholding or disqualifying from financial aid or other assistance;

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

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

68 (o){(xv)} another penalty, disciplinary action, or retaliatory action.

69 {(2) {"~~Conscience~~" means:}}

240 (b) "Adverse action" does not include:

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- (i) 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
- 245 (ii) reassignment, demotion, or termination of employment of a health care provider, if:
- 247 (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, or are such a substantial portion of the health-care services provided by the employer, that the refusal will subject the employer to undue hardship;
- 251 (B) the undue hardship described in Subsection (1)(b)(ii)(A) cannot be avoided by less adverse means, including scheduling or other accommodations; and
- 253 (C) there is not a less-severe alternative reasonably available to the employer than the reassignment, demotion, or termination of employment.
- 255 (2) "Belief-based health care institution" means a health care institution that:
- 256 (a) is a health care sharing ministry as defined in 26 U.S.C. Sec. 5000A(d)(2)(B)(ii); or
- 257 (b)
- (i) holds itself out to the public as religious based or conscience based;
- 70 (a) ~~{(ii) states in the {religious, moral, or ethical beliefs or principles held by an individual who is a } health care {provider, } institution's governing documents that the health care institution{, } has a religious or conscience based purpose or {health care payer} mission; {or} and~~
- 72 ~~{(b) {the religious, moral, or ethical beliefs or principles held by an entity that is a health care provider, health care institution, or health care payer, as determined by reference to the entity's governing documents, including:} }~~
- 75 ~~{(i) {published religious, moral, or ethical guidelines or directives;} }~~
- 76 ~~{(ii) {a mission statement;} }~~
- 77 ~~{(iii) {a constitution;} }~~
- 78 ~~{(iv) {articles of incorporation; or} }~~
- 79 ~~{(v) {bylaws, policies, or regulations;} }~~
- 260 (iii) has internal operating policies or procedures that implement the health care institution's religious beliefs or conscience.
- 262 (3) "Conscience" means a sincerely held belief as to the rightness or wrongness of an action or inaction.
- 80

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(3){(4)} "Discriminate~~"~~, when used in relation to a health care provider or a health care institution, means taking an adverse action, or threatening to take an adverse action, against ~~{a}~~ the health care provider~~{,}~~ or health care institution~~{, or health care payer}~~ as a result of the health care provider or health care institution:

82 (a) deciding to not participate in a health care service on the basis of religious belief or conscience; or

83 (b) reporting, or threatening to report, a violation of this part.

84 (4){(5)} "Division of Professional Licensing" means the Division of Professional Licensing, created in Section 58-1-103.

86 (5){(6)} "Health care institution" means a person licensed, certified, or regulated under Title 26B, Chapter 2, Licensing and Certifications.

88 ~~{(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:} }~~

91 ~~{(a) }~~

~~{(i) {is a health care sharing ministry as defined in 26 U.S.C. Section 5000A(d)(2)(B)(ii); or} }~~

93 ~~{(ii) }~~

~~{(A) {holds itself out to the public as religious;} }~~

94 ~~{(B) {states in the person's governing documents that the person has a religious purpose or mission; and} }~~

96 ~~{(C) {has internal operating policies or procedures that implement the person's religious beliefs; and} }~~

98 ~~{(b) {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.} }~~

100 (7) "Health care provider" means:

101 (a) ~~{a person}~~ an individual licensed, certified, or regulated under:

102 (i) Title 58, Chapter 5a, Podiatric Physician Licensing Act;

103 (ii) Title 58, Chapter 15, Health Facility Administrator Act;

104 (iii) Title 58, Chapter 16a, Utah Optometry Practice Act;

105 (iv) Title 58, Chapter 17b, Pharmacy Practice Act;

106 (v) Title 58, Chapter 24b, Physical Therapy Practice Act;

107 (vi) Title 58, Chapter 24c, Physical Therapy Licensure Compact;

108 (vii) Title 58, Chapter 31b, Nurse Practice Act;

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- 109 (viii) Title 58, Chapter 31d, Advanced Practice Registered Nurse Compact;  
110 (ix) Title 58, Chapter 31e, Nurse Licensure Compact - Revised;  
111 (x) Title 58, Chapter 40, Recreational Therapy Practice Act;  
112 (xi) Title 58, Chapter 40a, Athletic Trainer Licensing Act;  
113 (xii) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act;  
114 (xiii) Title 58, Chapter 41a, Audiology and Speech-language Pathology Interstate Compact;  
116 (xiv) Title 58, Chapter 42a, Occupational Therapy Practice Act;  
117 (xv) Title 58, Chapter 42b, Occupational Therapy Licensure Compact;  
118 (xvi) Title 58, Chapter 44a, Nurse Midwife Practice Act;  
119 (xvii) Title 58, Chapter 54, Radiologic Technologist, Radiologist Assistant, and Radiology Practical  
Technician Licensing Act;  
121 (xviii) Title 58, Chapter 57, Respiratory Care Practices Act;  
122 (xix) Title 58, Chapter 60, Mental Health Professional Practice Act;  
123 (xx) Title 58, Chapter 60a, Counseling Compact;  
124 (xxi) Title 58, Chapter 60b, Social Work Licensure Compact;  
125 (xxii) Title 58, Chapter 61, Psychologist Licensing Act;  
126 (xxiii) Title 58, Chapter 61b, Psychology Interjurisdictional Compact;  
127 (xxiv) Title 58, Chapter 67, Utah Medical Practice Act;  
128 (xxv) Title 58, Chapter 67b, Interstate Medical Licensure Compact;  
129 (xxvi) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;  
130 (xxvii) Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act;  
131 (xxviii) Title 58, Chapter 70a, Utah Physician Assistant Act;  
132 (xxix) Title 58, Chapter 70b, Anesthesiologist Assistant Licensing Act;  
133 (xxx) Title 58, Chapter 70c, PA Licensure Compact;  
134 (xxxi) Title 58, Chapter 71, Naturopathic Physician Practice Act;  
135 (xxxii) Title 58, Chapter 73, Chiropractic Physician Practice Act;  
136 (xxxiii) Title 58, Chapter 75, Genetic Counselors Licensing Act;  
137 (xxxiv) Title 58, Chapter 77, Direct-Entry Midwife Act;  
138 (xxxv) Title 58, Chapter 80a, Medical Language Interpreter Act;  
139 (xxxvi) Title 58, Chapter 81, Retired Volunteer Health Care Practitioner Act; and  
140 (xxxvii) Title 58, Chapter 88, General Health Professions; or

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- 141 (b) an individual employed or supervised by:
- 142 (i) a person described in Subsection (7)(a); or
- 143 (ii) a health care {facility} institution.
- 144 (8)
- (a) "Health care service" means medical care provided to a patient at a single time or over a period of  
time.
- 146 (b) "Health care service" includes:
- 147 (i) examination;
- 148 (ii) testing;
- 149 (iii) diagnosis;
- 150 (iv) dispensing or administering a drug, medication, or device;
- 151 (v) psychological therapy or counseling;
- 152 (vi) research;
- 153 (vii) prognosis;
- 154 (viii) therapy;
- 155 (ix) giving medical advice or taking action based on medical advice;
- 156 ~~{(x) {other care or services provided by a health care provider; or} }~~
- 157 (xi)~~{(x)}~~ the withholding or withdrawal of life-sustaining care or treatment{ : };
- 332 (xi) the termination of a pregnancy;
- 333 (xii) artificial insemination;
- 334 (xiii) gender transition;
- 335 (xiv) contraception; or
- 158 (9)~~{(xv)}~~ {~~"Religious based" means that~~} other care or services provided by a health care provider~~{ :~~  
health care institution.} or health care {payer:} institution.
- 160 ~~{(a) {holds itself out to the public as religious based;}~~
- 161 ~~{(b) {states in the health care provider's, health care institution's, or health care payer's governing~~  
~~documents that the health care provider, health care institution, or health care payer has a religious~~  
~~purpose or mission; and}~~
- 164 (c) ~~{has internal operating policies or procedures that implement the health }~~ "Health care {provider's;  
health care institution's} service" does not include medical care provided to an individual during, or  
before, transport of the individual to a health care {payer's religious beliefs} facility.

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- 166 (10){(9)} "Right of religious belief or conscience" means the right described in Subsection  
63G-33-302(1)(a).
- 342 Section 3. Section 3 is enacted to read:
- 343 **63G-33-302. Right to refuse participation in certain matters due to a violation of religious**  
**belief or conscience -- Limitations and alternatives -- {Disclosure} Advance notice of exercise of**  
**right {to} of religious belief or conscience.**
- 170 (1) Except as provided in {Subsection (2), a health care provider, health care institution, or health care  
payer} Subsections (3)(a) through (c):
- 347 (a) a health care provider:
- 172 (a){(i)} may refuse to participate in{, or pay in whole} or {in part for,} provide a health care service  
that violates the health care provider's{, health care institution's,} religious beliefs or {health care  
payer's} conscience; and
- 175 (b){(ii)} is not, and may not be held, civilly, criminally, or administratively liable for exercising the  
health care provider's{, health care institution's, or health care payer's} right of religious belief or  
conscience{.} ; and
- 352 (b) a belief-based health care institution:
- 353 (i) may refuse to participate in or provide a health care service that violates the belief-based health care  
institution's religious beliefs or conscience; and
- 178 (2){(ii)} {The right of conscience does} is not {include refusal of} , and may not be {used to refuse}  
held, civilly, criminally, {a} or administratively liable for exercising the belief-based health care  
{service based on an individual's race} institution's right of religious belief or conscience.
- 180 (3){(2)} 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.
- 184 {(4)} {A religious based health care provider, health care institution, or health care payer may make  
employment, staffing, contracting, and admitting privilege decisions consistent with the health care  
provider's, health care institution's, or health care payer's religious beliefs.} }
- 188 (5){(3)}
- (a) This part:

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- (a) (i) ~~{ This part }~~ does not override the requirement to provide ~~{ emergency medical }~~ a medical screening examination and stabilizing treatment to ~~{ all patients }~~ a patient under the Emergency Medical Treatment and Labor Act, 42 U.S.C. Sec. 1395dd, or any other federal law or regulation ~~{ }~~; and
- 366 (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.
- 191 (b) Exercise of the right of religious belief or conscience is limited to ~~{ conscience-based }~~ objections to a particular health care service based on a person's religious belief or conscience.
- 193 (c) This part does not waive or modify a duty of a health care provider ~~{ , health care institution, }~~ or a belief-based health care ~~{ payer }~~ institution to provide other medical services that do not violate the health care provider's ~~{ }~~ or the belief-based health care institution's ~~{ , or health care payer's }~~ religious beliefs or conscience.
- 196 (d) A health care provider or a belief-based health care institution that ~~{ exercises }~~, due to the right of religious belief or conscience ~~{ may }~~, ~~{ at the health care provider's }~~ refuses to participate in or provide a health care ~~{ institution's sole discretion, if requested by the patient or a legal representative of the patient, refer the patient to, transfer the patient to, or provide information to }~~ service shall prominently post the following statement on the ~~{ patient about, other }~~ health care ~~{ providers or }~~ provider's or the belief-based health care ~~{ institutions that the referring }~~ institution's website, and in any reception area where the health care provider or ~~{ health care institution reasonably believes may offer }~~ the belief-based health care ~~{ service that the medical practitioner or }~~ institution provides health care ~~{ institution refuses, under the right of conscience, to provide. }~~ services:
- 393 (e) A health care provider described in Subsection 63G-33-301(7)(a) and a health care institution 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 and health care institutions that provide the service;
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- (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).
- 204 (6){(4)} A {medical practitioner} 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:
- 206 (a) {disclose to} of the {medical practitioner's employer and to} health care service in which the health care {institution where the medical procedure is} provider refuses to {be performed:} participate; and
- 208 {(i) {the medical procedure; and}
- 209 (ii){(b)} that {the medical practitioner}, subject to Subsection (3)(a), the health care provider refuses to participate in the {medical procedure} health care service because the {medical procedure} health care service violates the {medical practitioner's} health care provider's right of religious belief or conscience{; and}.
- 211 {(b) {make the disclosure described in Subsection (6)(a) within a reasonable amount of time after the medical practitioner becomes aware, or should have been aware, that the medical procedure is to be performed.}
- 214 (7){(5)} An employer {and a} or health care institution that receives the advance notice described in Subsection {(6) shall make every reasonable effort to properly document} (4) shall, to the {objection status of} extent reasonably practicable, schedule staffing in a {medical practitioner that makes} manner that avoids placing the health care provider in a {disclosure described in Subsection (6)} 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 or a belief-based health care institution's refusal to participate in a health care service that violates the health care provider's or the belief-based health care institution's religious beliefs or conscience is not, by itself, evidence that the health care provider or the belief-based health care institution engaged in unlawful discrimination based on a protected class.
- 425 (7) This part:

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- 426 (a) cannot be used to cancel or interfere with a term of an existing contract; and  
427 (b) shall be applied in a manner that does not conflict with:  
428 (i) the Church Amendments, 42 U.S.C. Sec. 300a-7;  
429 (ii) the Coats-Snowe Amendment, 42 U.S.C. Sec. 238n;  
430 (iii) the Consolidated Appropriations Act, 2023, Public Law 117-328, Div. H, Title V, General  
Provisions, Sec. 507(d)(1);  
432 (iv) Safeguarding the Rights of Conscience as Protected by Federal Statutes, 89 C.F.R. Sec. 2078; or  
434 (v) any other provision of federal law.
- 435 Section 4. Section 4 is enacted to read:  
436 **63G-33-303. Discrimination prohibited.**
- 219 (1) A person may not discriminate against a health care provider{~~,-~~} or a belief-based health care  
institution{~~,- or health care payer~~} :
- 221 (a) as a {primary} result of the health care provider's{~~,-~~} or the belief-based health care institution's{~~;~~  
or health care payer's} exercise of the right of religious belief or conscience; or  
223 (b) because the person believes that the health care provider{~~,- health care institution,-~~} or belief-based  
health care {payer} institution:
- 225 (i) alleged, or may allege, a violation of this part;  
226 (ii) provided, caused to be provided, or may provide or cause to be provided, information relating to a  
potential violation of this part; or  
228 (iii) testified, assisted, or participated in, or may testify, assist, or participate in, an investigation or  
proceeding regarding a potential violation of this part.
- 230 (2) Subsection (1) does not permit a health care provider{~~,-~~} or a belief-based health care institution{~~,-or~~  
health care payer} to disclose information in violation of a provision of law.
- 450 Section 5. Section 5 is enacted to read:  
451 **63G-33-304. {~~Health care payer -- Documentation and notice requirements~~} Administrative**  
**enforcement -- Court action.**
- 234 {~~(1) {Except as provided in Subsection (2), a contract, policy, or other document executed between~~  
~~a person and a health care payer that requires the health care payer to pay for, or arrange for the~~  
~~payment of, a health care service provided to the person shall contain a statement, in bold type:}-}~~
- 452 (1)  
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## SB0174 compared with SB0174S03

(a) ~~{ stating that some }~~ A health care ~~{ services may not be provided, paid for, }~~ provider or ~~{ arranged for payment, by the }~~ a health care ~~{ payer because }~~ institution may file a complaint with the ~~{ provision }~~ Division of ~~{ those services violates the }~~ Professional Licensing alleging a violation of this part by a health care ~~{ payer's conscience as defined in Section 63G-33-301; and }~~ provider.

455 (b) The Division of Professional Licensing may:

456 (i) investigate a complaint described in Subsection (1)(a);

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

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

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

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

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

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

472 (2)

(a) A health care provider or health care institution may file a complaint with the Department of Health and Human Services alleging a violation of this part by a health care institution.

475 (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:

480 (i) enforce the provisions of this part; and

481 (ii) if applicable, impose a penalty for the violation.

482 (c) If the Department of Health and Human Services fails to investigate and take action under Subsection (2)(b), the health care provider or health care institution that filed the complaint may bring an action in a court with jurisdiction for the alleged violation of this part.

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## SB0174 compared with SB0174S03

- (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} provider or health care {payer will not provide, pay for, or arrange payment for} institution brings a legal action under Subsection {(1).} (2)(c), the person who brings the action:
- 244 ~~{(2) {Subsection (1) does not apply to a health care payer that will not refuse to pay for, or refuse to arrange the payment of, any health care service.}}~~
- 489 (i) may seek, as a remedy for the alleged violation of this part, injunctive relief or damages; and
- 491 (ii) if the person prevails in the action, is entitled to an award for reasonable attorney fees and costs.
- 493 Section 6. Section 6 is enacted to read:
- 494 **63G-33-305. {Administrative enforcement -- Court action} Effect upon related provisions of law.**
- 248 ~~{(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.}}~~
- 251 ~~{(b) {The Division of Professional Licensing shall investigate a complaint described in Subsection (1)(a) and take action, under Title 58, Occupations and Professions, against a health care provider that violates this part, or may bring a legal action in a court with jurisdiction against a health care provider that violates this part, to:}}~~
- 255 ~~(i) {enforce the} The provisions of this part {; and} are applicable and available in addition to, and not in lieu of,~~
- 256 ~~{(ii) {if applicable, impose a penalty for the violation.}}~~
- 257 ~~{(e) {If the Division of Professional Licensing fails to 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.}}~~
- 261 ~~{(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:}}~~
- 264 ~~{(i) {may seek, as a remedy for the alleged violation of this part, injunctive relief or damages; and}}~~
- 266 ~~{(ii) {if the person prevails in the action, is entitled to an award for reasonable attorney fees and costs.}}~~
- 268 ~~{(2) }~~

## SB0174 compared with SB0174S03

- {(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.}}
- 271 {(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:}}
- 276 (i) {~~enforce~~} the provisions of {~~this part; and~~}, Section 76-7-306, relating to abortion, the termination of a pregnancy, or the
- 277 {(ii) {if applicable, impose a penalty for the violation.}}
- 278 {(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.}}
- 282 {(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:}}
- 285 {(i) {may seek, as a remedy for the alleged violation of this part, injunctive relief or damages; and}}
- 287 {(ii) {if the person prevails in the action, is entitled to an award for reasonable attorney fees and costs.}}
- 289 {(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.}}
- 292 {(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:}}
- 296 {(i) {enforce the provisions of this part; and}}
- 297 {(ii) {if applicable, impose a penalty for the violation.}}
- 298 {(c) {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.}}

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- 302 {~~(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:} }
- 305 {(i) {may seek, as a remedy for the alleged violation of this part, injunctive relief or damages; and} }
- 307 {(ii) {if the person prevails in the action, is entitled to an award for reasonable attorney fees and costs.}  
}

### disposal of remains.

309 Section 6. Section **6** is enacted to read:

#### **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.

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

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

317 (1) As used in this section:

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

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

320 [(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.

322 (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:

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

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

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

329 (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:

331 (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

333 (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.

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- 335 (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.
- 338 (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:
- 342 (a) dismissal;
- 343 (b) demotion;
- 344 (c) suspension;
- 345 (d) discipline;
- 346 (e) discrimination;
- 347 (f) harassment;
- 348 (g) retaliation;
- 349 (h) adverse change in status;
- 350 (i) termination of, adverse alteration of, or refusal to renew an association or agreement; or
- 352 (j) refusal to provide a benefit, privilege, raise, promotion, tenure, or increased status that the health  
care provider would have otherwise received.
- 354 (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.
- 356 (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.

543 Section 8. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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