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Medicaid Abortion Payment Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nicholeen P. Peck

Senate Sponsor:

2

LONG TITLE

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General Description:

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5 This bill changes the standards for determining which medical providers may qualify as an
6 eligible Medicaid provider.

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Highlighted Provisions:

8 This bill:

9 ▶ prohibits certain abortion providers from qualifying as an eligible Medicaid provider.

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Money Appropriated in this Bill:

11 None

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Other Special Clauses:

13 None

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Utah Code Sections Affected:

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AMENDS:

16 **26B-3-114**, as last amended by Laws of Utah 2024, Chapter 240

17 **76-7-301**, as last amended by Laws of Utah 2024, Chapter 313

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

20 Section 1. Section **26B-3-114** is amended to read:

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**26B-3-114 . Department standards for eligibility under Medicaid -- Funds for
22 abortions.**

23 (1)(a) The department shall develop standards and administer policies relating to
24 eligibility under the Medicaid program if the standards and policies comply with
25 Section 26B-3-108.

26 (b) Except as provided in Subsection (1)(c), under the standards established in
27 accordance with Subsection (1)(a), a provider or a provider's affiliate may not be an
28 eligible Medicaid provider if the provider or the provider's affiliate:

29 (i) performs an elective abortion, as that term is defined in Section 76-7-301; and
30 (ii) has an annual revenue of \$500,000,000.

(c) The restriction described in Subsection (1)(b) does not apply to a hospital.

[~~(b)~~] (2) An applicant receiving Medicaid assistance may be limited to particular types of care or services or to payment of part or all costs of care determined to be medically necessary.

[~~(2)~~] (3) The department may not provide any funds for medical, hospital, or other medical expenditures or medical services to otherwise eligible persons where the purpose of the assistance is to perform an abortion, unless the life of the mother would be endangered if an abortion were not performed.

[3] (4) Any employee of the department who authorizes payment for an abortion contrary to the provisions of this section is guilty of a class B misdemeanor and subject to forfeiture of office.

[4] (5) Any person or organization that, under the guise of other medical treatment, provides an abortion under auspices of the Medicaid program is guilty of a third degree felony and subject to forfeiture of license to practice medicine or authority to provide medical services and treatment.

Section 2. Section **76-7-301** is amended to read:

76-7-301 . Definitions.

As used in this part:

(1)(a) "Abortion" means the act, by a physician, of using an instrument, or prescribing a drug, with the intent to cause the death of an unborn child of a woman known to be pregnant, except as permitted under this part.

(b) "Abortion" does not include:

(i) removal of a dead unborn child;

(ii) removal of an ectopic pregnancy; or

(iii) the killing or attempted killing of an unborn child without the consent of the pregnant woman, unless:

(A) the killing or attempted killing is done through a medical procedure carried out by a physician or through a substance used under the direction of a physician; and

(B) the physician is unable to obtain the consent due to a medical emergency.

(2) "Abortion clinic" means the same as that term is defined in Section 2.

(3) "Abuse" means the same as that term is defined in Section 80-1-102.

(4) "Department" means the Department of Health and Human Services.

(5) "Down syndrome" means a genetic condition associated with an extra chromosome 21,

65 in whole or in part, or an effective trisomy for chromosome 21.

66 (6) "Elective abortion" means an abortion other than:

67 (a) removal of a dead fetus;

68 (b) removal of an ectopic pregnancy;

69 (c) an abortion that is necessary to avert the death of a woman;

70 (d) an abortion that is necessary to avert a serious physical risk of substantial impairment
71 of a major bodily function of a woman;

72 (e) an abortion of a fetus that has a defect that is uniformly diagnosable and uniformly
73 lethal; or

74 (f) an abortion where the woman is pregnant as a result of rape or incest.

75 [(6)] (7) "Gestational age" means the age of an unborn child as calculated from the first day
76 of the last menstrual period of the pregnant woman.

77 [(7)] (8) "Hospital" means:

78 (a) a general hospital licensed by the department according to Title 26B, Chapter 2, Part
79 2, Health Care Facility Licensing and Inspection; and

80 (b) a clinic or other medical facility to the extent that such clinic or other medical facility
81 is certified by the department as providing equipment and personnel sufficient in
82 quantity and quality to provide the same degree of safety to the pregnant woman and
83 the unborn child as would be provided for the particular medical procedures
84 undertaken by a general hospital licensed by the department.

85 [(8)] (9) "Information module" means the pregnancy termination information module
86 prepared by the department.

87 [(9)] (10) "Medical emergency" means a life threatening physical condition aggravated by,
88 caused by, or arising from a pregnancy that places the pregnant woman at risk of death,
89 or poses a serious risk of substantial impairment of a major bodily function, unless the
90 abortion is performed or induced.

91 [(10)] (11) "Minor" means an individual who is:

92 (a) under 18 years old;

93 (b) unmarried; and

94 (c) not emancipated.

95 [(11)] (12)(a) "Partial birth abortion" means an abortion in which the person performing
96 the abortion:

97 (i) deliberately and intentionally vaginally delivers a living fetus until, in the case of a
98 head first presentation, the entire fetal head is outside the body of the mother, or,

in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and

(ii) performs the overt act, other than completion of delivery, that kills the partially living fetus.

(b) "Partial birth abortion" does not include the dilation and evacuation procedure involving dismemberment prior to removal, the suction curettage procedure, or the suction aspiration procedure for abortion.

[42] (13) "Perinatal hospice" means comprehensive support to the mother and her family from the time of the diagnosis of a lethal fetal anomaly, through the time of the child's birth, and through the postpartum period, that:

(a) focuses on alleviating fear and ensuring that the woman and her family experience the life and death of a child in a comfortable and supportive environment; and

(b) may include counseling or medical care by:

(i) maternal-fetal medical specialists;

(ii) obstetricians;

(iii) neonatologists;

(iv) anesthesia specialists;

(v) psychiatrists, psychologists, or other mental health providers;

(vi) clergy;

(vii) social workers; or

(viii) specialty nurses.

[~~(13)~~] (14) "Physician" means:

(a) a medical doctor licensed to practice medicine and surgery under Title 58, Chapter 67, Utah Medical Practice Act;

(b) an osteopathic physician licensed to practice osteopathic medicine under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

(c) a physician employed by the federal government who has qualifications similar to an individual described in Subsection [(13)(a) or (b)] (14)(a) or (b).

[14] (15)(a) "Severe brain abnormality" means a malformation or defect that causes an individual to live in a mentally vegetative state.

(b) "Severe brain abnormality" does not include:

(i) Down syndrome:

(ii) spina bifida:

- (iii) cerebral palsy; or
- (iv) any other malformation, defect, or condition that does not cause an individual to live in a mentally vegetative state.

Section 3. Effective Date.

137 This bill takes effect on May 6, 2026.