

Exercise of Religious Beliefs and Conscience Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

House Sponsor:

LONG TITLE**General Description:**

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

Highlighted Provisions:

This bill:

- defines terms;
- provides that a health care provider, health care institution, or health care payer has a right of conscience that permits the provider, institution, or payer to refuse to provide, participate in, pay for, or arrange payment for a health care service that violates the person's conscience;
- protects a person who exercises the person's right of conscience from being held civilly, criminally, or administratively liable for exercising the right;
- requires a medical practitioner who refuses, under the right of conscience, to participate in a health care service, to provide notice to the health care institution where the service is provided;
- prohibits discrimination or adverse action against a person in retaliation to the person exercising the person's right of conscience;
- 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;
- requires 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 conscience;
- permits legal action, under certain circumstances, against a person who violates the provisions of this bill relating to the exercise of a right of conscience;
- permits a health care provider, on religious or moral grounds, to refuse to perform or participate in the disposal of remains from the termination of a pregnancy; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

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

ENACTS:

63G-33-301, Utah Code Annotated 1953

63G-33-302, Utah Code Annotated 1953

63G-33-303, Utah Code Annotated 1953

63G-33-304, Utah Code Annotated 1953

63G-33-305, Utah Code Annotated 1953

63G-33-306, Utah Code Annotated 1953

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

Section 1. Section **63G-33-301** is enacted to read:

Part 3. Free Exercise of Conscience

63G-33-301 . Definitions.

As used in this part:

(1) "Adverse action" means:

(a) termination of employment;

(b) a demotion;

(c) an adverse administrative action;

(d) increased administrative duties;

(e) refusal of staff privileges;

(f) refusal of board certification;

(g) loss of career specialty;

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

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

(j) refusal to provide residency training opportunities;

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

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

(m) an impediment to creating, expanding, or improving, a health care institution or

- 65 health care payer;
- 66 (n) an impediment to acquiring, associating with, or merging with another health care
- 67 institution or health care payer; or
- 68 (o) another penalty, disciplinary action, or retaliatory action.
- 69 (2) "Conscience" means:
- 70 (a) the religious, moral, or ethical beliefs or principles held by an individual who is a
- 71 health care provider, health care institution, or health care payer; or
- 72 (b) the religious, moral, or ethical beliefs or principles held by an entity that is a health
- 73 care provider, health care institution, or health care payer, as determined by reference
- 74 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.
- 80 (3) "Discriminate" means taking an adverse action, or threatening to take an adverse action,
- 81 against a health care provider, health care institution, or health care payer as a result of:
- 82 (a) deciding to not participate in a health care service on the basis of conscience; or
- 83 (b) reporting, or threatening to report, a violation of this part.
- 84 (4) "Division of Professional Licensing" means the Division of Professional Licensing,
- 85 created in Section 58-1-103.
- 86 (5) "Health care institution" means a person licensed, certified, or regulated under Title
- 87 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.
- 89 160.103, a health maintenance organization as defined in Section 31A-8-101, an
- 90 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
- 92 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
- 95 purpose or mission; and
- 96 (C) has internal operating policies or procedures that implement the person's
- 97 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.

(7) "Health care provider" means:

(a) a person licensed, certified, or regulated under:

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

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

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

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

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

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

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

(viii) Title 58, Chapter 31d, Advanced Practice Registered Nurse Compact;

(ix) Title 58, Chapter 31e, Nurse Licensure Compact - Revised;

(x) Title 58, Chapter 40, Recreational Therapy Practice Act;

(xi) Title 58, Chapter 40a, Athletic Trainer Licensing Act;

(xii) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act;

(xiii) Title 58, Chapter 41a, Audiology and Speech-language Pathology Interstate Compact;

(xiv) Title 58, Chapter 42a, Occupational Therapy Practice Act;

(xv) Title 58, Chapter 42b, Occupational Therapy Licensure Compact;

(xvi) Title 58, Chapter 44a, Nurse Midwife Practice Act;

(xvii) Title 58, Chapter 54, Radiologic Technologist, Radiologist Assistant, and Radiology Practical Technician Licensing Act;

(xviii) Title 58, Chapter 57, Respiratory Care Practices Act;

(xix) Title 58, Chapter 60, Mental Health Professional Practice Act;

(xx) Title 58, Chapter 60a, Counseling Compact;

(xxi) Title 58, Chapter 60b, Social Work Licensure Compact;

(xxii) Title 58, Chapter 61, Psychologist Licensing Act;

(xxiii) Title 58, Chapter 61b, Psychology Interjurisdictional Compact;

(xxiv) Title 58, Chapter 67, Utah Medical Practice Act;

(xxv) Title 58, Chapter 67b, Interstate Medical Licensure Compact;

(xxvi) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

(xxvii) Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act;

(xxviii) Title 58, Chapter 70a, Utah Physician Assistant Act;

(xxix) Title 58, Chapter 70b, Anesthesiologist Assistant Licensing Act;

- (xxx) Title 58, Chapter 70c, PA Licensure Compact;
- (xxxi) Title 58, Chapter 71, Naturopathic Physician Practice Act;
- (xxxii) Title 58, Chapter 73, Chiropractic Physician Practice Act;
- (xxxiii) Title 58, Chapter 75, Genetic Counselors Licensing Act;
- (xxxiv) Title 58, Chapter 77, Direct-Entry Midwife Act;
- (xxxv) Title 58, Chapter 80a, Medical Language Interpreter Act;
- (xxxvi) Title 58, Chapter 81, Retired Volunteer Health Care Practitioner Act; and
- (xxxvii) Title 58, Chapter 88, General Health Professions; or
- (b) an individual employed or supervised by:
- (i) a person described in Subsection (7)(a); or
- (ii) a health care facility.
- (8)(a) "Health care service" means medical care provided to a patient at a single time or over a period of time.
- (b) "Health care service" includes:
- (i) examination;
- (ii) testing;
- (iii) diagnosis;
- (iv) dispensing or administering a drug, medication, or device;
- (v) psychological therapy or counseling;
- (vi) research;
- (vii) prognosis;
- (viii) therapy;
- (ix) giving medical advice or taking action based on medical advice;
- (x) other care or services provided by a health care provider; or
- (xi) the withholding or withdrawal of life-sustaining care or treatment.
- (9) "Religious based" means that a health care provider, health care institution, or health care payer:
- (a) holds itself out to the public as religious based;
- (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
- (c) has internal operating policies or procedures that implement the health care provider's, health care institution's, or health care payer's religious beliefs.
- (10) "Right of conscience" means the right described in Subsection 63G-33-302(1)(a).

Section 2. Section **63G-33-302** is enacted to read:

63G-33-302 . Right to refuse participation in certain matters due to a violation of conscience -- Limitations and alternatives -- Disclosure of exercise of right to conscience.

- (1) Except as provided in Subsection (2), a health care provider, health care institution, or health care payer:
- (a) may refuse to participate in, or pay in whole or in part for, a health care service that violates the health care provider's, health care institution's, or health care payer's conscience; and
- (b) 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 conscience.
- (2) The right of conscience does not include refusal of, and may not be used to refuse, a health care service based on an individual's race.
- (3) 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 conscience by a health care provider employed, contracted, or granted admitting privileges by the health care institution.
- (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.
- (5)(a) This part does not override the requirement to provide emergency medical treatment to all patients under 42 U.S.C. Sec. 1395dd or any other federal law or regulation.
- (b) Exercise of the right of conscience is limited to conscience-based objections to a particular health care service.
- (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 conscience.
- (d) A health care provider or health care institution that exercises the right of conscience may, at the health care provider's or 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 the patient about, other health care providers or health care institutions that the referring health care provider or health

care institution reasonably believes may offer the health care service that the medical practitioner or health care institution refuses, under the right of conscience, to provide.

(6) A medical practitioner who refuses, under the right of conscience, to participate in a health care service shall:

(a) disclose to the medical practitioner's employer and to the health care institution where the medical procedure is to be performed:

(i) the medical procedure; and

(ii) that the medical practitioner refuses to participate in the medical procedure because the medical procedure violates the medical practitioner's conscience; and

(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.

(7) An employer and a health care institution described in Subsection (6) shall make every reasonable effort to properly document the objection status of a medical practitioner that makes a disclosure described in Subsection (6).

Section 3. Section **63G-33-303** is enacted to read:

63G-33-303 . Discrimination prohibited.

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

(a) as a primary result of the health care provider's, health care institution's, or health care payer's exercise of the right of conscience; or

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

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

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

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

(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.

Section 4. Section **63G-33-304** is enacted to read:

63G-33-304 . Health care payer -- Documentation and notice requirements.

(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:

(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 conscience as defined in Section 63G-33-301; and

(b) listing, 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 under Subsection (1).

(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.

Section 5. Section **63G-33-305** is enacted to read:

63G-33-305 . Administrative enforcement -- Court action.

(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.

(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:

(i) enforce the provisions of this part; and

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

(c) 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.

(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:

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

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

(2)(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.

(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:

(i) enforce the provisions of this part; and

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

(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.

(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:

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

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

(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.

(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:

(i) enforce the provisions of this part; and

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

(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.

(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:

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

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

Section 6. Section **63G-33-306** 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.

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.

(1) As used in this section:

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

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

(2) A health care provider may, on religious or moral grounds, refuse to perform or participate in any way, in:

(a) an abortion;[or]

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

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

(3) Except as otherwise required by law, a health care facility may refuse, on religious or moral grounds, to:

(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

(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.

(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

337 action.

338 (5) A health care facility, employer, or other person may not take an adverse action against
339 a health care provider for exercising the health care provider's right of refusal described
340 in Subsection (2), or for bringing or threatening to bring an action described in
341 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;

351 or

352 (j) refusal to provide a benefit, privilege, raise, promotion, tenure, or increased status
353 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
355 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
357 three years after the day on which the cause of action arises.

358 **Section 8. Effective Date.**

359 This bill takes effect on May 6, 2026.