

Keven J. Stratton proposes the following substitute bill:

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 religious beliefs or conscience.

Highlighted Provisions:

This bill:

- defines terms;
- 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 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 religious beliefs or conscience;
- 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;
- 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;
- prohibits discrimination or adverse action against a person in retaliation for the person exercising the person's right of religious belief or 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 religious belief or conscience;
- 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;
- 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

- 29 conscience;
- 30 ▸ permits a health care provider, on the grounds of religious belief or conscience, to refuse
- 31 to perform or participate in the disposal of remains from the termination of a pregnancy;
- 32 and
- 33 ▸ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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 **58-1-501** is amended to read:

58-1-501 . Unlawful and unprofessional conduct.

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

(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:

- (i) not licensed to do so or not exempted from licensure under this title; or
- (ii) restricted from doing so by a suspended, revoked, restricted, temporary, probationary, or inactive license;

(b)(i) impersonating another licensee or practicing a profession under a false or

- 63 assumed name, except as permitted by law; or
- 64 (ii) for a licensee who has had a license under this title reinstated following
- 65 disciplinary action, practicing the same profession using a different name than the
- 66 name used before the disciplinary action, except as permitted by law and after
- 67 notice to, and approval by, the division;
- 68 (c) knowingly employing any other person to practice or engage in or attempt to practice
- 69 or engage in any profession licensed under this title if the employee is not licensed to
- 70 do so under this title;
- 71 (d) knowingly permitting the person's authority to practice or engage in any profession
- 72 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
- 74 license, or otherwise dealing with the division or a licensing board through the use of
- 75 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
- 77 drug or device to a person located in this state:
- 78 (A) without prescriptive authority conferred by a license issued under this title, or
- 79 by an exemption to licensure under this title; or
- 80 (B) with prescriptive authority conferred by an exception issued under this title or
- 81 a multistate practice privilege recognized under this title, if the prescription
- 82 was issued without first obtaining information, in the usual course of
- 83 professional practice, that is sufficient to establish a diagnosis, to identify
- 84 underlying conditions, and to identify contraindications to the proposed
- 85 treatment; and
- 86 (ii) Subsection (1)(f)(i) does not apply to treatment rendered in an emergency, on-call
- 87 or cross coverage situation, provided that the person who issues the prescription
- 88 has prescriptive authority conferred by a license under this title, or is exempt from
- 89 licensure under this title; or
- 90 (g) aiding or abetting any other person to violate any statute, rule, or order regulating a
- 91 profession under this title.
- 92 (2)(a) "Unprofessional conduct" means conduct, by a licensee or applicant, that is
- 93 defined as unprofessional conduct under this title or under any rule adopted under
- 94 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

- 97 professional or ethical standard applicable to an occupation or profession
98 regulated under this title;
- 99 (iii) subject to the provisions of Subsection (4), engaging in conduct that results in
100 conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is
101 held in abeyance pending the successful completion of probation with respect to a
102 crime that, when considered with the functions and duties of the profession for
103 which the license was issued or is to be issued, bears a substantial relationship to
104 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,
106 censure, diversion, probation, suspension, or revocation, by any other licensing or
107 regulatory authority having jurisdiction over the licensee or applicant in the same
108 profession if the conduct would, in this state, constitute grounds for denial of
109 licensure or disciplinary proceedings under Section 58-1-401;
- 110 (v) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar
111 chemicals, to the extent that the conduct does, or might reasonably be considered
112 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
114 being physically or mentally unfit to do so;
- 115 (vii) practicing or attempting to practice a or profession regulated under this title
116 through gross incompetence, gross negligence, or a pattern of incompetency or
117 negligence;
- 118 (viii) practicing or attempting to practice a profession requiring licensure under this
119 title by any form of action or communication which is false, misleading,
120 deceptive, or fraudulent;
- 121 (ix) practicing or attempting to practice a profession regulated under this title beyond
122 the scope of the licensee's competency, abilities, or education;
- 123 (x) practicing or attempting to practice a profession regulated under this title beyond
124 the scope of the licensee's license;
- 125 (xi) verbally, physically, mentally, or sexually abusing or exploiting any person
126 through conduct connected with the licensee's practice under this title or otherwise
127 facilitated by the licensee's license;
- 128 (xii) acting as a supervisor without meeting the qualification requirements for that
129 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

- 131 drug or device:
- 132 (A) without first obtaining information in the usual course of professional
- 133 practice, that is sufficient to establish a diagnosis, to identify conditions, and to
- 134 identify contraindications to the proposed treatment; or
- 135 (B) with prescriptive authority conferred by an exception issued under this title, or
- 136 a multi-state practice privilege recognized under this title, if the prescription
- 137 was issued without first obtaining information, in the usual course of
- 138 professional practice, that is sufficient to establish a diagnosis, to identify
- 139 underlying conditions, and to identify contraindications to the proposed
- 140 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
- 145 Religious Beliefs or Conscience, by a health care provider, as defined in Section
- 146 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
- 149 this title, deviating from medical norms or established practices if the conditions
- 150 described in Subsection (5) are met; and
- 151 (ii) notwithstanding Section 58-1-501.6, a health care provider advertising that the
- 152 health care provider deviates from medical norms or established practices,
- 153 including the maladies the health care provider treats, if the health care provider:
- 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
- 156 provider deviates from medical norms or established practices with a
- 157 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
- 160 proceeding commenced by the division under this title, a person subject to any of the
- 161 unlawful and unprofessional conduct provisions of this title is strictly liable for each
- 162 violation.
- 163 (4) The following are not evidence of engaging in unprofessional conduct under Subsection
- 164 (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
- 167 before the date of the division's consideration, unless:
- 168 (i) after the incarceration the individual has engaged in additional conduct that results
- 169 in another conviction, a plea of nolo contendere, or a plea of guilty or nolo
- 170 contendere that is held in abeyance pending the successful completion of
- 171 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,
- 175 Sexual Offenses, or Title 76, Chapter 5b, Sexual Exploitation Act;
- 176 (C) a felony related to criminal fraud or embezzlement, including a felony under
- 177 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
- 179 Utah patients or consumers, as may be determined by the director in a process
- 180 defined by rule made in accordance with Title 63G, Chapter 3, Utah
- 181 Administrative Rulemaking Act.
- 182 (5) In accordance with Subsection (2)(b)(i), a health care provider may deviate from
- 183 medical norms or established practices if:
- 184 (a) the health care provider does not deviate outside of the health care provider's scope
- 185 of practice and possesses the education, training, and experience to competently and
- 186 safely administer the alternative health care service;
- 187 (b) the health care provider does not provide an alternative health care service that is
- 188 otherwise contrary to any state or federal law;
- 189 (c) the alternative health care service has reasonable potential to be of benefit to the
- 190 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
- 192 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
- 194 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
- 197 within the medical norms and established practices;
- 198 (ii) the health care provider discloses to the patient that the health care provider is

- 199 recommending an alternative health care service that deviates from medical norms
 200 and established practices;
- 201 (iii) the health care provider discusses the rationale for deviating from medical norms
 202 and established practices with the patient;
- 203 (iv) the health care provider discloses any potential risks associated with deviation
 204 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
 207 to the patient that the patient may enter into an agreement describing what would
 208 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
 210 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
 213 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
 215 established practices;
- 216 (d) describes the potential risks and benefits associated with the alternative health care
 217 service;
- 218 (e) describes the health care provider's reasonably justified rationale regarding the
 219 reason for the deviation; and
- 220 (f) provides clear and unequivocal notice to the patient that the patient is agreeing to
 221 receive the alternative health care service which is outside medical norms and
 222 established practices.

223 Section 2. Section **63G-33-301** is enacted to read:

224 **Part 3. Free Exercise of Religious Beliefs or Conscience**

225 **63G-33-301 . Definitions.**

226 As used in this part:

- 227 (1)(a) "Adverse action" means:
- 228 (i) termination of employment;
- 229 (ii) a demotion;
- 230 (iii) an adverse administrative action;
- 231 (iv) increased administrative duties;
- 232 (v) refusal of staff privileges;

- 233 (vi) refusal of board certification;
234 (vii) loss of career specialty;
235 (viii) reduction of wages, benefits, or privileges;
236 (ix) refusal to award a grant, contract, or other program;
237 (x) refusal to provide residency training opportunities;
238 (xi) denial, deprivation, or disqualification of licensure;
239 (xii) withholding or disqualifying from financial aid or other assistance;
240 (xiii) an impediment to creating, expanding, or improving, a health care institution or
241 health care payer;
242 (xiv) an impediment to acquiring, associating with, or merging with another health
243 care institution or health care payer; or
244 (xv) another penalty, disciplinary action, or retaliatory action.
245 (b) "Adverse action" does not include reassigning an individual to a position of
246 reasonably equal pay, opportunity, and circumstance, based on principles of sound
247 business operation, unless the reassignment constitutes retaliation or punishment of
248 the individual for exercising the individual's right of religious belief or conscience.
249 (2) "Conscience" means a sincerely held belief as to the rightness or wrongness of an action
250 or inaction.
251 (3) "Discriminate," when used in relation to a health care provider, a health care institution,
252 or a health care payer, means taking an adverse action, or threatening to take an adverse
253 action, against the health care provider, health care institution, or health care payer as a
254 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
256 conscience; or
257 (b) reporting, or threatening to report, a violation of this part.
258 (4) "Division of Professional Licensing" means the Division of Professional Licensing,
259 created in Section 58-1-103.
260 (5) "Health care institution" means a person licensed, certified, or regulated under Title
261 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.
263 160.103, a health maintenance organization as defined in Section 31A-8-101, an
264 insurance company, a management services organization, or another person that pays, in
265 whole or in part for, or arranges for the payment, in whole or in part of, a health care
266 service provided to a patient.

- 267 (7) "Health care provider" means:
- 268 (a) an individual licensed, certified, or regulated under:
- 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
- 282 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
- 287 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) Title 58, Chapter 67, Utah Medical Practice Act;
- 295 (xxv) Title 58, Chapter 67b, Interstate Medical Licensure Compact;
- 296 (xxvi) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- 297 (xxvii) Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act;
- 298 (xxviii) Title 58, Chapter 70a, Utah Physician Assistant Act;
- 299 (xxix) Title 58, Chapter 70b, Anesthesiologist Assistant Licensing Act;
- 300 (xxx) Title 58, Chapter 70c, PA Licensure Compact;

301 (xxxix) Title 58, Chapter 71, Naturopathic Physician Practice Act;
302 (xxxix) Title 58, Chapter 73, Chiropractic Physician Practice Act;
303 (xxxix) Title 58, Chapter 75, Genetic Counselors Licensing Act;
304 (xxxix) Title 58, Chapter 77, Direct-Entry Midwife Act;
305 (xxxix) Title 58, Chapter 80a, Medical Language Interpreter Act;
306 (xxxix) Title 58, Chapter 81, Retired Volunteer Health Care Practitioner Act; and
307 (xxxix) 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); or

310 (ii) a health care institution.

311 (8)(a) "Health care service" means medical care provided to a patient at a single time or
312 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 (v) psychological therapy or counseling;

319 (vi) research;

320 (vii) prognosis;

321 (viii) therapy;

322 (ix) giving medical advice or taking action based on medical advice;

323 (x) the withholding or withdrawal of life-sustaining care or treatment;

324 (xi) the termination of a pregnancy;

325 (xii) artificial insemination;

326 (xiii) gender transition;

327 (xiv) contraception; or

328 (xv) other care or services provided by a health care provider or health care
329 institution.

330 (c) "Health care service" does not include medical care provided to an individual during,
331 or before, transport of the individual to a health care facility.

332 (9) "Religious or conscience based entity" means a health care institution or health care
333 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
 337 that the health care institution or health care payer has a religious or conscience
 338 based purpose or mission; and
 339 (iii) has internal operating policies or procedures that implement the health care
 340 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
 342 63G-33-302(1)(a).

343 Section 3. Section **63G-33-302** is enacted to read:

344 **63G-33-302 . Right to refuse participation in certain matters due to a violation of**
 345 **religious belief or conscience -- Limitations and alternatives -- Advance notice of exercise**
 346 **of right of religious belief or conscience.**

347 (1) Except as provided in Subsections (3)(a) through (c):

348 (a) a health care provider:

- 349 (i) may refuse to participate in or provide a health care service that violates the health
 350 care provider's religious beliefs or conscience; and
 351 (ii) is not, and may not be held, civilly, criminally, or administratively liable for
 352 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
 354 entity:

- 355 (i) may refuse to participate in, provide, or pay in whole or in part for, a health care
 356 service that violates the health care provider's or health care payer's religious
 357 beliefs or conscience; and
 358 (ii) is not, and may not be held, civilly, criminally, or administratively liable for
 359 exercising the health care institution's or health care payer's right of religious
 360 belief or conscience.

361 (2) A health care institution is not, and may not be held, civilly, criminally, or
 362 administratively liable for any claim related to, or arising out of, the exercise of the right
 363 of religious belief or conscience by a health care provider employed, contracted, or
 364 granted admitting privileges by the health care institution.

365 (3)(a) This part:

- 366 (i) does not override the requirement to provide a medical screening examination and
 367 stabilizing treatment to a patient under the Emergency Medical Treatment and
 368 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
370 examination and stabilizing treatment to a patient while the patient is in the
371 emergency department.
- 372 (b) Exercise of the right of religious belief or conscience is limited to objections to a
373 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
375 institution, or health care payer to provide other medical services that do not violate
376 the health care provider's, health care institution's, or health care payer's religious
377 beliefs or conscience.
- 378 (d) A health care provider or health care institution shall prominently post the following
379 statement on the health care provider's website and in any reception area where the
380 health care provider provides services:
381 "ACCESS TO HEALTH CARE SERVICES
382 Based on religious belief or conscience, this health care provider does not provide
383 the following services:
384 [list the services]
385 If you are seeking these services, you may view a list of health care providers who
386 provide these services at the following website operated by the Department of Health
387 and Human Services: [insert the website address provided by the Department of
388 Health and Human Services]
389 If you are unable to access the website, you may contact the Department of Health
390 and Human Services at [insert a phone number provided by the Department of Health
391 and Human Services] to obtain information on health care providers that provide the
392 service."
- 393 (e) A health care provider described in Subsection 63G-33-301(7)(a) and a health care
394 institution shall disclose to the Department of Health and Human Services the health
395 care services that the health care provider or health care institution does not provide
396 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
399 does not provide due to exercise of the right of religious belief or conscience,
400 maintain information on health care providers or health care institutions that
401 provide the service;
- 402 (ii) post the information described in Subsection (3)(f)(i) on a website operated by the

- 403 Department of Health and Human Services; and
- 404 (iii) designate a phone number that an individual who cannot access the website
- 405 described in Subsection (3)(f)(ii) may call, during regular business hours, for
- 406 assistance in obtaining the information described in Subsection (3)(f)(i).
- 407 (4) A health care provider who refuses, under the right of religious belief or conscience, to
- 408 participate in a health care service shall provide advance notice to the health care
- 409 provider's employer, the health care institution where the health care service is to be
- 410 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
- 413 health care service because the health care service violates the health care provider's
- 414 right of religious belief or conscience.
- 415 (5) An employer or health care institution that receives the advance notice described in
- 416 Subsection (4) shall, to the extent reasonably practicable, schedule staffing in a manner
- 417 that avoids placing the health care provider in a circumstance where the health care
- 418 provider may be called upon to perform a health care service that violates the health care
- 419 provider's religious beliefs or conscience.
- 420 (6) A health care provider's refusal to participate in a health care service that violates the
- 421 health care provider's religious beliefs or conscience is not, by itself, evidence that the
- 422 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
- 429 V, General Provisions, Sec. 507(d)(1);
- 430 (iv) Safeguarding the Rights of Conscience as Protected by Federal Statutes, 89
- 431 C.F.R. Sec. 2078; or
- 432 (v) any other provision of federal law.
- 433 Section 4. Section **63G-33-303** is enacted to read:
- 434 **63G-33-303 . Discrimination prohibited.**
- 435 (1) A person may not discriminate against a health care provider, health care institution, or
- 436 health care payer:

- 437 (a) as a result of the health care provider's, health care institution's, or health care payer's
 438 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
 440 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,
 443 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
 445 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
 447 care payer to disclose information in violation of a provision of law.

448 Section 5. Section **63G-33-304** is enacted to read:

449 **63G-33-304 . Health care payer -- Documentation and notice requirements.**

- 450 (1) Except as provided in Subsection (2), a contract, policy, or other document executed
 451 between a person and a health care payer that requires the health care payer to pay for,
 452 or arrange for the payment of, a health care service provided to the person shall contain a
 453 statement, in bold type:
 454 (a) stating that some health care services may not be provided, paid for, or arranged for
 455 payment, by the health care payer because the provision of those services violates the
 456 health care payer's religious beliefs or conscience as defined in Section 63G-33-301;
 457 and
 458 (b) listing, or disclosing a location on the internet that lists, the health care services the
 459 health care payer will not provide, pay for, or arrange payment for under Subsection
 460 (1).
 461 (2) A health care payer is not required to comply with Subsection (1) if the health care
 462 payer does not limit services based on the health care payer's religious beliefs or
 463 conscience.

464 Section 6. Section **63G-33-305** is enacted to read:

465 **63G-33-305 . Administrative enforcement -- Court action.**

- 466 (1)(a) A health care provider, health care institution, or health care payer may file a
 467 complaint with the Division of Professional Licensing alleging a violation of this part
 468 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
472 violates a provision of this part; or
- 473 (iii) bring a legal action in a court with jurisdiction against a health care provider who
474 violates a provision of this part.
- 475 (c) If the Division of Professional Licensing does not investigate and take action under
476 Subsection (1)(b), the health care provider, health care institution, or health care
477 payer that filed the complaint may bring an action in a court with jurisdiction for the
478 alleged violation of this part.
- 479 (d) If the Division of Professional Licensing brings a legal action under Subsection (2)(b),
480 or a health care provider, health care institution, or health care payer brings a legal
481 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
483 damages; and
- 484 (ii) if the person prevails in the action, is entitled to an award for reasonable attorney
485 fees and costs.
- 486 (2)(a) A health care provider, health care institution, or health care payer may file a
487 complaint with the Department of Health and Human Services alleging a violation of
488 this part by a health care institution.
- 489 (b) The Department of Health and Human Services shall investigate a complaint
490 described in Subsection (1)(a) and take action, under Title 26B, Chapter 2, Licensing
491 and Certifications, against a health care institution that violates this part, or may bring
492 a legal action in a court with jurisdiction against a health care institution that violates
493 this part, to:
- 494 (i) enforce the provisions of this part; and
- 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
497 under Subsection (2)(b), the health care provider, health care institution, or health
498 care payer that filed the complaint may bring an action in a court with jurisdiction for
499 the alleged violation of this part.
- 500 (d) If the Department of Health and Human Services brings a legal action under
501 Subsection (2)(b), or a health care provider, health care institution, or health care
502 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
504 damages; and

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

507 (3)(a) A health care provider, health care institution, or health care payer may file a
 508 complaint alleging a violation of this part by a health care payer to the state entity
 509 that regulates the health care payer.

510 (b) The state entity that regulates the health care payer shall investigate a complaint
 511 described in Subsection (3)(a) and take administrative action against a health care
 512 payer that violates this part, or may bring a legal action in a court with jurisdiction
 513 against a health care payer that violates this part, to:

514 (i) enforce the provisions of this part; and
 515 (ii) if applicable, impose a penalty for the violation.

516 (c) If the state entity that regulates the health care payer fails to investigate and take
 517 action under Subsection (3)(b), the health care provider, health care institution, or
 518 health care payer that filed the complaint may bring an action in a court with
 519 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
 521 Subsection (3)(b), or a health care provider, health care institution, or health care
 522 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
 524 damages; and

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

527 Section 7. Section **63G-33-306** is enacted to read:

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

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

532 Section 8. Section **76-7-306** is amended to read:

533 **76-7-306 . Refusal to participate, admit, or treat for abortion based on religious**
 534 **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
 538 26B-2-201.

- 539 ~~[(b)]~~ (c) "Health care provider" means an individual who is an employee of, has practice
540 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
542 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~~[-]~~ ;
545 or
546 (c) the disposal of remains resulting from an abortion or a procedure described in
547 Subsection (2)(b).
- 548 (3) Except as otherwise required by law, a health care facility may refuse, on ~~[religious or~~
549 ~~moral grounds]~~ the grounds of religious belief or conscience, to:
550 (a) admit a patient for an abortion procedure or another procedure that is intended to, or
551 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,
553 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
555 refusal under Subsection (3) may not be the basis for civil liability or other recriminatory
556 action.
- 557 (5) A health care facility, employer, or other person may not take an adverse action against
558 a health care provider for exercising the health care provider's right of refusal described
559 in Subsection (2), or for bringing or threatening to bring an action described in
560 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;
570 or
571 (j) refusal to provide a benefit, privilege, raise, promotion, tenure, or increased status
572 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
574 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
576 three years after the day on which the cause of action arises.

577 Section 9. **Effective Date.**

578 This bill takes effect on May 6, 2026.