

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 or a health care institution has a right of religious belief or conscience that permits the provider or institution to refuse to provide or participate in a health care service that violates the health care provider's or a health care institution'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;
- 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 conscience;
- permits a health care provider, on the grounds of religious belief or conscience, to refuse to perform or participate in the disposal of remains from the termination of a pregnancy;

29 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



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
50 this title and includes:

51 (a) practicing or engaging in, representing oneself to be practicing or engaging in, or
52 attempting to practice or engage in any profession requiring licensure under this title,
53 except the behavioral health technician under Chapter 60, Part 6, Behavioral Health
54 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,
57 probationary, or inactive license;

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

60 (ii) for a licensee who has had a license under this title reinstated following
61 disciplinary action, practicing the same profession using a different name than the
62 name used before the disciplinary action, except as permitted by law and after

- 63 notice to, and approval by, the division;
- 64 (c) knowingly employing any other person to practice or engage in or attempt to practice
65 or engage in any profession licensed under this title if the employee is not licensed to
66 do so under this title;
- 67 (d) knowingly permitting the person's authority to practice or engage in any profession
68 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
70 license, or otherwise dealing with the division or a licensing board through the use of
71 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
73 drug or device to a person located in this state:
- 74 (A) without prescriptive authority conferred by a license issued under this title, or
75 by an exemption to licensure under this title; or
- 76 (B) with prescriptive authority conferred by an exception issued under this title or
77 a multistate practice privilege recognized under this title, if the prescription
78 was issued without first obtaining information, in the usual course of
79 professional practice, that is sufficient to establish a diagnosis, to identify
80 underlying conditions, and to identify contraindications to the proposed
81 treatment; and
- 82 (ii) Subsection (1)(f)(i) does not apply to treatment rendered in an emergency, on-call
83 or cross coverage situation, provided that the person who issues the prescription
84 has prescriptive authority conferred by a license under this title, or is exempt from
85 licensure under this title; or
- 86 (g) aiding or abetting any other person to violate any statute, rule, or order regulating a
87 profession under this title.
- 88 (2)(a) "Unprofessional conduct" means conduct, by a licensee or applicant, that is
89 defined as unprofessional conduct under this title or under any rule adopted under
90 this title and includes:
- 91 (i) violating any statute, rule, or order regulating an a profession under this title;
- 92 (ii) violating, or aiding or abetting any other person to violate, any generally accepted
93 professional or ethical standard applicable to an occupation or profession
94 regulated under this title;
- 95 (iii) subject to the provisions of Subsection (4), engaging in conduct that results in
96 conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is

- 97 held in abeyance pending the successful completion of probation with respect to a
98 crime that, when considered with the functions and duties of the profession for
99 which the license was issued or is to be issued, bears a substantial relationship to
100 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,
102 censure, diversion, probation, suspension, or revocation, by any other licensing or
103 regulatory authority having jurisdiction over the licensee or applicant in the same
104 profession if the conduct would, in this state, constitute grounds for denial of
105 licensure or disciplinary proceedings under Section 58-1-401;
- 106 (v) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar
107 chemicals, to the extent that the conduct does, or might reasonably be considered
108 to, impair the ability of the licensee or applicant to safely engage in the profession;
- 109 (vi) practicing or attempting to practice a profession regulated under this title despite
110 being physically or mentally unfit to do so;
- 111 (vii) practicing or attempting to practice a or profession regulated under this title
112 through gross incompetence, gross negligence, or a pattern of incompetency or
113 negligence;
- 114 (viii) practicing or attempting to practice a profession requiring licensure under this
115 title by any form of action or communication which is false, misleading,
116 deceptive, or fraudulent;
- 117 (ix) practicing or attempting to practice a profession regulated under this title beyond
118 the scope of the licensee's competency, abilities, or education;
- 119 (x) practicing or attempting to practice a profession regulated under this title beyond
120 the scope of the licensee's license;
- 121 (xi) verbally, physically, mentally, or sexually abusing or exploiting any person
122 through conduct connected with the licensee's practice under this title or otherwise
123 facilitated by the licensee's license;
- 124 (xii) acting as a supervisor without meeting the qualification requirements for that
125 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
127 drug or device:
- 128 (A) without first obtaining information in the usual course of professional
129 practice, that is sufficient to establish a diagnosis, to identify conditions, and to
130 identify contraindications to the proposed treatment; or

- 131 (B) with prescriptive authority conferred by an exception issued under this title, or
132 a multi-state practice privilege recognized under this title, if the prescription
133 was issued without first obtaining information, in the usual course of
134 professional practice, that is sufficient to establish a diagnosis, to identify
135 underlying conditions, and to identify contraindications to the proposed
136 treatment;
- 137 (xiv) violating a provision of Section 58-1-501.5;
- 138 (xv) violating the terms of an order governing a license;[~~or~~]
- 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
141 Religious Beliefs or Conscience, by a health care provider, as defined in Section
142 63G-33-301.
- 143 (b) "Unprofessional conduct" does not include:
- 144 (i) a health care provider, as defined in Section 78B-3-403 and who is licensed under
145 this title, deviating from medical norms or established practices if the conditions
146 described in Subsection (5) are met; and
- 147 (ii) notwithstanding Section 58-1-501.6, a health care provider advertising that the
148 health care provider deviates from medical norms or established practices,
149 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
152 provider deviates from medical norms or established practices with a
153 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
156 proceeding commenced by the division under this title, a person subject to any of the
157 unlawful and unprofessional conduct provisions of this title is strictly liable for each
158 violation.
- 159 (4) The following are not evidence of engaging in unprofessional conduct under Subsection
160 (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
163 before the date of the division's consideration, unless:
- 164 (i) after the incarceration the individual has engaged in additional conduct that results

- 165 in another conviction, a plea of nolo contendere, or a plea of guilty or nolo
166 contendere that is held in abeyance pending the successful completion of
167 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,
171 Sexual Offenses, or Title 76, Chapter 5b, Sexual Exploitation Act;
- 172 (C) a felony related to criminal fraud or embezzlement, including a felony under
173 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
175 Utah patients or consumers, as may be determined by the director in a process
176 defined by rule made in accordance with Title 63G, Chapter 3, Utah
177 Administrative Rulemaking Act.
- 178 (5) In accordance with Subsection (2)(b)(i), a health care provider may deviate from
179 medical norms or established practices if:
- 180 (a) the health care provider does not deviate outside of the health care provider's scope
181 of practice and possesses the education, training, and experience to competently and
182 safely administer the alternative health care service;
- 183 (b) the health care provider does not provide an alternative health care service that is
184 otherwise contrary to any state or federal law;
- 185 (c) the alternative health care service has reasonable potential to be of benefit to the
186 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
188 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
190 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
193 within the medical norms and established practices;
- 194 (ii) the health care provider discloses to the patient that the health care provider is
195 recommending an alternative health care service that deviates from medical norms
196 and established practices;
- 197 (iii) the health care provider discusses the rationale for deviating from medical norms
198 and established practices with the patient;

- 199 (iv) the health care provider discloses any potential risks associated with deviation
 200 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
 203 to the patient that the patient may enter into an agreement describing what would
 204 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
 206 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
 209 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
 211 established practices;
 212 (d) describes the potential risks and benefits associated with the alternative health care
 213 service;
 214 (e) describes the health care provider's reasonably justified rationale regarding the
 215 reason for the deviation; and
 216 (f) provides clear and unequivocal notice to the patient that the patient is agreeing to
 217 receive the alternative health care service which is outside medical norms and
 218 established practices.

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

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

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

222 As used in this part:

223 (1)(a) "Adverse action" means:

- 224 (i) termination of employment;
 225 (ii) a demotion;
 226 (iii) an adverse administrative action;
 227 (iv) increased administrative duties;
 228 (v) refusal of staff privileges;
 229 (vi) refusal of board certification;
 230 (vii) loss of career specialty;
 231 (viii) reduction of wages, benefits, or privileges;
 232 (ix) refusal to award a grant, contract, or other program;

- 233 (x) refusal to provide residency training opportunities;
234 (xi) denial, deprivation, or disqualification of licensure;
235 (xii) withholding or disqualifying from financial aid or other assistance;
236 (xiii) an impediment to creating, expanding, or improving, a health care institution;
237 (xiv) an impediment to acquiring, associating with, or merging with another health
238 care institution; or
239 (xv) another penalty, disciplinary action, or retaliatory action.
- 240 (b) "Adverse action" does not include:
- 241 (i) reassigning an individual to a position of reasonably equal pay, opportunity, and
242 circumstance, based on principles of sound business operation, unless the
243 reassignment constitutes retaliation or punishment of the individual for exercising
244 the individual's right of religious belief or conscience; or
- 245 (ii) reassignment, demotion, or termination of employment of a health care provider,
246 if:
- 247 (A) the health care services that the health care provider, based on the right or
248 religious belief or conscience, refuses to participate in or provide are so
249 numerous, or are such a substantial portion of the health-care services provided
250 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
252 less adverse means, including scheduling or other accommodations; and
- 253 (C) there is not a less-severe alternative reasonably available to the employer than
254 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;
- 258 (ii) states in the health care institution's governing documents that the health care
259 institution has a religious or conscience based purpose or mission; and
- 260 (iii) has internal operating policies or procedures that implement the health care
261 institution's religious beliefs or conscience.
- 262 (3) "Conscience" means a sincerely held belief as to the rightness or wrongness of an action
263 or inaction.
- 264 (4) "Discriminate," when used in relation to a health care provider or a health care
265 institution, means taking an adverse action, or threatening to take an adverse action,
266 against the health care provider or health care institution as a result of the health care

- 267 provider or health care institution:
- 268 (a) deciding to not participate in a health care service on the basis of religious belief or
269 conscience; or
- 270 (b) reporting, or threatening to report, a violation of this part.
- 271 (5) "Division of Professional Licensing" means the Division of Professional Licensing,
272 created in Section 58-1-103.
- 273 (6) "Health care institution" means a person licensed, certified, or regulated under Title
274 26B, Chapter 2, Licensing and Certifications.
- 275 (7) "Health care provider" means:
- 276 (a) an individual licensed, certified, or regulated under:
- 277 (i) Title 58, Chapter 5a, Podiatric Physician Licensing Act;
278 (ii) Title 58, Chapter 15, Health Facility Administrator Act;
279 (iii) Title 58, Chapter 16a, Utah Optometry Practice Act;
280 (iv) Title 58, Chapter 17b, Pharmacy Practice Act;
281 (v) Title 58, Chapter 24b, Physical Therapy Practice Act;
282 (vi) Title 58, Chapter 24c, Physical Therapy Licensure Compact;
283 (vii) Title 58, Chapter 31b, Nurse Practice Act;
284 (viii) Title 58, Chapter 31d, Advanced Practice Registered Nurse Compact;
285 (ix) Title 58, Chapter 31e, Nurse Licensure Compact - Revised;
286 (x) Title 58, Chapter 40, Recreational Therapy Practice Act;
287 (xi) Title 58, Chapter 40a, Athletic Trainer Licensing Act;
288 (xii) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act;
289 (xiii) Title 58, Chapter 41a, Audiology and Speech-language Pathology Interstate
290 Compact;
291 (xiv) Title 58, Chapter 42a, Occupational Therapy Practice Act;
292 (xv) Title 58, Chapter 42b, Occupational Therapy Licensure Compact;
293 (xvi) Title 58, Chapter 44a, Nurse Midwife Practice Act;
294 (xvii) Title 58, Chapter 54, Radiologic Technologist, Radiologist Assistant, and
295 Radiology Practical Technician Licensing Act;
296 (xviii) Title 58, Chapter 57, Respiratory Care Practices Act;
297 (xix) Title 58, Chapter 60, Mental Health Professional Practice Act;
298 (xx) Title 58, Chapter 60a, Counseling Compact;
299 (xxi) Title 58, Chapter 60b, Social Work Licensure Compact;
300 (xxii) Title 58, Chapter 61, Psychologist Licensing Act;

- 301 (xxiii) Title 58, Chapter 61b, Psychology Interjurisdictional Compact;
302 (xxiv) Title 58, Chapter 67, Utah Medical Practice Act;
303 (xxv) Title 58, Chapter 67b, Interstate Medical Licensure Compact;
304 (xxvi) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
305 (xxvii) Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act;
306 (xxviii) Title 58, Chapter 70a, Utah Physician Assistant Act;
307 (xxix) Title 58, Chapter 70b, Anesthesiologist Assistant Licensing Act;
308 (xxx) Title 58, Chapter 70c, PA Licensure Compact;
309 (xxxi) Title 58, Chapter 71, Naturopathic Physician Practice Act;
310 (xxxii) Title 58, Chapter 73, Chiropractic Physician Practice Act;
311 (xxxiii) Title 58, Chapter 75, Genetic Counselors Licensing Act;
312 (xxxiv) Title 58, Chapter 77, Direct-Entry Midwife Act;
313 (xxxv) Title 58, Chapter 80a, Medical Language Interpreter Act;
314 (xxxvi) Title 58, Chapter 81, Retired Volunteer Health Care Practitioner Act; and
315 (xxxvii) Title 58, Chapter 88, General Health Professions; or
316 (b) an individual employed or supervised by:
317 (i) a person described in Subsection (7)(a); or
318 (ii) a health care institution.
319 (8)(a) "Health care service" means medical care provided to a patient at a single time or
320 over a period of time.
321 (b) "Health care service" includes:
322 (i) examination;
323 (ii) testing;
324 (iii) diagnosis;
325 (iv) dispensing or administering a drug, medication, or device;
326 (v) psychological therapy or counseling;
327 (vi) research;
328 (vii) prognosis;
329 (viii) therapy;
330 (ix) giving medical advice or taking action based on medical advice;
331 (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
 336 (xv) other care or services provided by a health care provider or health care
 337 institution.
 338 (c) "Health care service" does not include medical care provided to an individual during,
 339 or before, transport of the individual to a health care facility.
 340 (9) "Right of religious belief or conscience" means the right described in Subsection
 341 63G-33-302(1)(a).

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

343 **63G-33-302 . Right to refuse participation in certain matters due to a violation of**
 344 **religious belief or conscience -- Limitations and alternatives -- Advance notice of exercise**
 345 **of right of religious belief or conscience.**

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

347 (a) a health care provider:

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

350 (ii) is not, and may not be held, civilly, criminally, or administratively liable for
 351 exercising the health care provider'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
 354 belief-based health care institution's religious beliefs or conscience; and

355 (ii) is not, and may not be held, civilly, criminally, or administratively liable for
 356 exercising the belief-based health care institution's right of religious belief or
 357 conscience.

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

362 (3)(a) This part:

363 (i) does not override the requirement to provide a medical screening examination and
 364 stabilizing treatment to a patient under the Emergency Medical Treatment and
 365 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
 367 examination and stabilizing treatment to a patient while the patient is in the
 368 emergency department.

- 369 (b) Exercise of the right of religious belief or conscience is limited to objections to a
370 particular health care service based on a person's religious belief or conscience.
- 371 (c) This part does not waive or modify a duty of a health care provider or a belief-based
372 health care institution to provide other medical services that do not violate the health
373 care provider's or the belief-based health care institution's religious beliefs or
374 conscience.
- 375 (d) A health care provider or a belief-based health care institution that, due to the right
376 of religious belief or conscience, refuses to participate in or provide a health care
377 service shall prominently post the following statement on the health care provider's or
378 the belief-based health care institution's website, and in any reception area where the
379 health care provider or the belief-based health care institution provides health care
380 services:
381 "ACCESS TO HEALTH CARE SERVICES
382 Based on religious belief or conscience, this health care provider or health care
383 institution does not provide the following services:
384 [list the services]
385 If you are seeking these services, you may view a list of health care providers or
386 health care institutions that provide these services at the following website operated
387 by the Department of Health and Human Services: [insert the website address
388 provided by the Department of 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 or health care
392 institutions that provide the 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 and 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 or a belief-based health care institution's refusal to participate in
421 a health care service that violates the health care provider's or the belief-based health
422 care institution's religious beliefs or conscience is not, by itself, evidence that the health
423 care provider or the belief-based health care institution engaged in unlawful
424 discrimination based on a protected class.
- 425 (7) This part:
- 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
431 V, General Provisions, Sec. 507(d)(1);
432 (iv) Safeguarding the Rights of Conscience as Protected by Federal Statutes, 89
433 C.F.R. Sec. 2078; or
434 (v) any other provision of federal law.

435 Section 4. Section **63G-33-303** is enacted to read:

436 **63G-33-303 . Discrimination prohibited.**

- 437 (1) A person may not discriminate against a health care provider or a belief-based health
438 care institution:
- 439 (a) as a result of the health care provider's or the belief-based health care institution's
440 exercise of the right of religious belief or conscience; or
- 441 (b) because the person believes that the health care provider or belief-based health care
442 institution:
- 443 (i) alleged, or may allege, a violation of this part;
- 444 (ii) provided, caused to be provided, or may provide or cause to be provided,
445 information relating to a potential violation of this part; or
- 446 (iii) testified, assisted, or participated in, or may testify, assist, or participate in, an
447 investigation or proceeding regarding a potential violation of this part.
- 448 (2) Subsection (1) does not permit a health care provider or a belief-based health care
449 institution to disclose information in violation of a provision of law.
- 450 Section 5. Section **63G-33-304** is enacted to read:
- 451 **63G-33-304 . Administrative enforcement -- Court action.**
- 452 (1)(a) A health care provider or a health care institution may file a complaint with the
453 Division of Professional Licensing alleging a violation of this part by a health care
454 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
458 violates a provision of this part; or
- 459 (iii) bring a legal action in a court with jurisdiction against a health care provider who
460 violates a provision of this part.
- 461 (c) If the Division of Professional Licensing does not investigate and take action under
462 Subsection (1)(b), the health care provider or health care institution that filed the
463 complaint may bring an action in a court with jurisdiction for the alleged violation of
464 this part.
- 465 (d) If the Division of Professional Licensing brings a legal action under Subsection (2)(b),
466 or a health care provider or health care institution brings a legal action under
467 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
469 damages; and
- 470 (ii) if the person prevails in the action, is entitled to an award for reasonable attorney

471 fees and costs.

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

475 (b) The Department of Health and Human Services shall investigate a complaint
 476 described in Subsection (1)(a) and take action, under Title 26B, Chapter 2, Licensing
 477 and Certifications, against a health care institution that violates this part, or may bring
 478 a legal action in a court with jurisdiction against a health care institution that violates
 479 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
 483 under Subsection (2)(b), the health care provider or health care institution that filed
 484 the complaint may bring an action in a court with jurisdiction for the alleged
 485 violation of this part.

486 (d) If the Department of Health and Human Services brings a legal action under
 487 Subsection (2)(b), or a health care provider or health care institution brings a legal
 488 action under Subsection (2)(c), the person who brings the action:

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

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

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

494 **63G-33-305 . Effect upon related provisions of law.**

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

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

499 **76-7-306 . Refusal to participate, admit, or treat for abortion based on religious**
 500 **or moral grounds -- Cause of action.**

501 (1) As used in this section:

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

503 [(a)] (b) "Health care facility" [is-as] means the same as that term is defined in Section
 504 26B-2-201.

- 505 ~~(b)~~ (c) "Health care provider" means an individual who is an employee of, has practice
506 privileges at, or is otherwise associated with a health care facility.
- 507 (2) A health care provider may, on ~~[religious or moral grounds]~~ the grounds of religious
508 belief or conscience, refuse to perform or participate in any way, in:
509 (a) an abortion;~~[-or]~~
510 (b) a procedure that is intended to, or likely to, result in the termination of a pregnancy~~[-]~~ ;
511 or
512 (c) the disposal of remains resulting from an abortion or a procedure described in
513 Subsection (2)(b).
- 514 (3) Except as otherwise required by law, a health care facility may refuse, on ~~[religious or~~
515 ~~moral grounds]~~ the grounds of religious belief or conscience, to:
516 (a) admit a patient for an abortion procedure or another procedure that is intended to, or
517 likely to, result in the termination of a pregnancy; or
518 (b) perform for a patient an abortion procedure or another procedure that is intended to,
519 or likely to, result in the termination of a pregnancy.
- 520 (4) A health care provider's refusal under Subsection (2) ~~[and]~~ or a health care facility's
521 refusal under Subsection (3) may not be the basis for civil liability or other recriminatory
522 action.
- 523 (5) A health care facility, employer, or other person may not take an adverse action against
524 a health care provider for exercising the health care provider's right of refusal described
525 in Subsection (2), or for bringing or threatening to bring an action described in
526 Subsection (6), including:
527 (a) dismissal;
528 (b) demotion;
529 (c) suspension;
530 (d) discipline;
531 (e) discrimination;
532 (f) harassment;
533 (g) retaliation;
534 (h) adverse change in status;
535 (i) termination of, adverse alteration of, or refusal to renew an association or agreement;
536 or
537 (j) refusal to provide a benefit, privilege, raise, promotion, tenure, or increased status
538 that the health care provider would have otherwise received.

539 (6)(a) A person who is adversely impacted by conduct prohibited in Subsection (5) may
540 bring a civil action for equitable relief, including reinstatement, and for damages.

541 (b) A person who brings an action under this section must commence the action within
542 three years after the day on which the cause of action arises.

543 Section 8. **Effective Date.**

544 This bill takes effect on May 6, 2026.