

Protection from Unfair Treatment Based on Religion or Other Irrelevant Characteristics

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

House Sponsor: Jordan D. Teuscher

LONG TITLE

General Description:

This bill prohibits, in relation to certain matters, unfair treatment based on a person's religion or other irrelevant characteristics.

Highlighted Provisions:

This bill:

- defines terms;
- prohibits unfair treatment, by creditors or credit reporting agencies, based on a person's religion or other irrelevant characteristics;
- provides for administrative and legal enforcement of the provisions described in the preceding paragraph;
- prohibits unfair treatment by an insurer based on a person's religion or other irrelevant characteristics;
- provides for enforcement of the provisions described in the preceding paragraph;
- requires a local education agency to establish a policy granting an excused absence from school for a student to observe a religious holiday or attend religious instruction;
- requires a state institution of higher education to reasonably accommodate an individual's religious beliefs, faith, or conscience in relation to:
 - the state institution's admission process;
 - a student's attendance in class;
 - the scheduling of an examination or academic requirement; or
 - participation in a specific academic requirement; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **53G-6-201**, as last amended by Laws of Utah 2025, Chapter 34

33 **53H-7-903**, as renumbered and amended by Laws of Utah 2025, First Special Session,
34 Chapter 8

35 ENACTS:

36 **7-1-811**, Utah Code Annotated 1953

37 **31A-1-501**, Utah Code Annotated 1953

38 **53G-2-106**, Utah Code Annotated 1953

39

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

40 Section 1. Section **7-1-811** is enacted to read:

41 **7-1-811 . Discriminatory practice of creditor prohibited.**

42 (1) As used in this section:

43 (a) "Credit" means the right granted by a creditor to a person to:

44 (i) defer payment of a debt;

45 (ii) incur debt and defer the payment of that debt; or

46 (iii) purchase property or services and defer payment for the property or services.

47 (b) "Creditor" means a financial institution that:

48 (i) regularly extends, renews, or continues credit, regardless of whether interest or a
49 finance charge is required;

50 (ii) regularly arranges for the extension, renewal, or continuation of credit, regardless
51 of whether interest or a finance charge is required; or

52 (iii) as an assignee of an original creditor, participates in the decision to extend,
53 renew, or continue credit, regardless of whether interest or a finance charge is
54 required.

55 (c) "Credit reporting agency" means a person who, for monetary fees or dues, or on a
56 cooperative nonprofit basis, regularly assembles or evaluates credit information for
57 the purpose of furnishing a credit report to a creditor.

58 (d) "Majority status" means the status of an individual as being 18 years old or older, as
59 opposed to being less than 18 years old.

60 (2) A creditor may not:

61 (a) subject to Subsection (4)(a), discriminate against an applicant for credit in the
62 granting, withholding, extending, or renewing of credit, or in the fixing of the rates,

64 terms, or conditions of any form of credit, on the basis of religion, race, color, age,
65 sex, military status, marital status, national origin, disability, genetics, or ancestry;
66 (b) except as provided in Subsection (4)(b), use or make any inquiry regarding religion,
67 race, color, age, sex, military status, marital status, national origin, disability,
68 genetics, or ancestry for the purpose of limiting, or specifying, a person to whom
69 credit will be granted;
70 (c) refuse to consider the sources of income of an applicant for credit, or disregard or
71 ignore the income of an applicant, in whole or in part, on the basis of religion, race,
72 color, age, sex, military status, marital status, disability, national origin, genetics, or
73 ancestry;
74 (d) refuse to grant credit to an individual in a name that the individual customarily uses,
75 if it has been determined in the normal course of business that the creditor will grant
76 credit to the individual;
77 (e) except as provided in Subsection (4)(c), impose a requirement for a co-obligor, for
78 reapplication, or any other special requirements or conditions upon an applicant or
79 class of applicant on the basis of religion, race, color, age, sex, military status, marital
80 status, national origin, disability, genetics, or ancestry in circumstances where similar
81 requirements or conditions are not imposed on other similarly-situated applicants;
82 (f) fail or refuse to provide an applicant for credit a written statement of the specific
83 reasons for rejection of the application, in accordance with Subsection (4)(d), if
84 requested in writing by the applicant within sixty days after the day of the rejection;
85 (g) except as provided in Subsection (4)(e), fail or refuse to print on, or firmly attach to,
86 each application for credit, in a type size no smaller than that used throughout most
87 of the application form, the following notice:
88 "Utah's laws against discrimination require that all creditors make credit equally
89 available to all credit worthy customers, and that credit reporting agencies maintain
90 separate credit histories on each individual upon request.";
91 (h) fail or refuse on the basis of religion, race, color, age, sex, military status, marital
92 status, national origin, disability, or ancestry to maintain, upon the request of the
93 individual, a separate account for each individual to whom credit is extended; or
94 (i) except as provided in Subsection (4)(f), with respect to an account established on or
95 after May 6, 2026, fail or refuse on the basis of religion, race, color, age, sex, military
96 status, marital status, national origin, disability, genetics, or ancestry:
97 (i) to maintain records on the account;

98 (ii) to furnish information on the account to a credit reporting agency in a manner that
99 clearly designates the contractual liability for repayment as indicated on the
100 application for the account; or
101 (iii) if more than one individual is contractually liable for repayment, to maintain
102 records and furnish information in the name of each individual.

103 (3) A credit reporting agency may not:

104 (a) fail or refuse, on the basis of religion, race, color, age, sex, military status, marital
105 status, national origin, disability, genetics, or ancestry, to maintain, upon the request
106 of the individual, a separate file on each individual about whom information is
107 assembled or evaluated; or
108 (b) fail or refuse on the basis of religion, race, color, age, sex, military status, marital
109 status, national origin, disability, genetics, or ancestry to clearly note, maintain, and
110 report information furnished to the credit reporting agency under Subsection (2)(i).

111 (4)(a) Subsection (2)(a) does not prohibit disparate treatment, based solely on majority
112 status, in relation to a real estate transaction between:

113 (i) a financial institution, as defined in Section 7-26-102, and the customers of the
114 financial institution;
115 (ii) a dealer in intangibles and the customers of the dealer in intangibles; or
116 (iii) an insurer, as defined in Section 31A-1-301, and the customers of the insurer.

117 (b) Subsection (2)(b) does not prohibit:

118 (i) an inquiry regarding marital status if the inquiry is made for the purpose of
119 determining the creditor's rights and remedies applicable to the particular
120 extension of credit; or
121 (ii) a request for information, a record, a form, or an application by a creditor, if
122 required of that particular creditor by:
123 (A) an instrumentality or agency of the United States; or
124 (B) an instrumentality or agency of the state, or a political subdivision of the state,
125 for the purpose of enforcing the Fair Housing Act of 1968, 42 U.S.C. Sec.
126 3601, et seq.
127 (c) Subsection (2)(e) does not prohibit a requirement or condition, with respect to
128 majority status only:
129 (i) in relation to a real estate transaction described in Subsection (4)(a)(i); or
130 (ii) as the result of a program that:
131 (A) grants preferences to certain age groups; and

(B) is administered by an instrumentality or agency of the United States, a state, or a political subdivision of a state.

(d)(i) A creditor shall provide the written statement of the specific reasons for rejection of an application, described in Subsection (2)(f), within 30 days after the day on which the creditor receives a timely written request for the statement from the applicant.

(ii) A specific reason for rejection provided in the written statement described in Subsection (4)(d)(i) may include, if the specific reason is true and accurate, that the applicant was rejected:

- (A) solely on the basis of information received from a credit reporting agency; or
- (B) because the applicant failed to meet the uniformly applied standards required by the creditor's credit scoring system.

(e) A creditor is not required to print or attach the notice described in Subsection (2)(g) in an application that has a multi-state distribution, if the creditor mails the notice to the applicant with the notice of acceptance or rejection of the application.

(f) Subsection (2)(h) does not apply to an individual who is only contractually liable if the primary party defaults on the account.

(5) This section does not prohibit a creditor from requesting the signature of both spouses to create a valid lien, pass clear title, or waive inchoate rights to property.

(6)(a) A person aggrieved by a violation of this section by a creditor or a credit reporting agency may bring an action against the creditor or credit reporting agency in a court with jurisdiction within 180 days after the day on which the violation occurs.

(b) If, in an action described in Subsection (6)(a), the court finds that a creditor or credit reporting agency violated, or is about to violate, a provision of this section with respect to the plaintiff, the court may grant the relief that the court determines appropriate, including:

(i) granting a permanent or temporary injunction, a temporary restraining order, or another order;

- (ii) awarding to the plaintiff compensatory damages; or
- (iii) awarding reasonable attorney fees and court costs.

(c) This section does not prohibit a creditor from reviewing an application for credit on the basis of established criteria used in the normal course of business for the determination of the credit worthiness of the applicant for credit, including the applicant's credit history.

166 (7) The department shall enforce compliance with this section, which may include:
167 (a) an administrative action; or
168 (b) bringing a legal action.
169 (8) If the department brings a legal action under Subsection (7)(b), the department may seek
170 and receive the relief described in Subsection (6)(b).

171 Section 2. Section **31A-1-501** is enacted to read:

172 **Part 5. Discrimination Prohibited**

173 **31A-1-501 . Discriminatory practice of insurer prohibited.**

174 (1) As used in this section, "discriminate" means to treat individuals differently based on an
175 individual's religion, race, color, age, sex, military status, marital status, national origin,
176 disability, genetics, or ancestry.

177 (2) An insurer may not:

178 (a) in relation to a contract or policy for life insurance or a life annuity, unfairly
179 discriminate between individuals of the same risk category, and an equal expectation
180 of life, in:

181 (i) the rates charged;
182 (ii) the dividends or other benefits payable; or
183 (iii) any other terms or conditions of the contract;

184 (b) in relation to a contract or policy of disability insurance, unfairly discriminate
185 between individuals of the same risk category, and of essentially the same hazard, in:

186 (i) the amount of premium, policy fees, or rates charged;
187 (ii) the benefits payable; or
188 (iii) any other manner; or

189 (c) in relation to a type of insurance, other than a type of insurance described in
190 Subsection (2)(a) or (b), in the terms or conditions of an insurance contract, or in the
191 rate or amount of premium charged, unfairly discriminate between insureds or
192 subjects of insurance that are substantially alike in relation to insuring, risk and
193 exposure factors, or expense elements.

194 (3) The department shall enforce the provisions of this section in accordance with Chapter
195 2, Part 3, Procedures and Enforcement.

196 Section 3. Section **53G-2-106** is enacted to read:

197 **53G-2-106 . Right to absence for religious observance or instruction.**

198 (1) An LEA shall establish a policy that authorizes a child, upon the request of the child's
199 parent, to be absent from school to:

200 (a) observe a religious holiday; or
201 (b) attend religious instruction.

202 (2) An absence described in Subsection (1) is an excused absence.

203 Section 4. Section **53G-6-201** is amended to read:

204 **53G-6-201 . Definitions.**

205 As used in this part:

206 (1)(a) "Absence" or "absent" means the failure of a school-age child assigned to a class
207 or class period to attend a class or class period.

208 (b) "Absence" or "absent" does not mean multiple tardies used to calculate an absence
209 for the sake of a truancy.

210 (2) "Educational neglect" means the same as that term is defined in Section 80-1-102.

211 (3)(a) "Home-based microschool" means an individual or association of individuals that:

212 (i) registers as a business entity in accordance with state and local laws; and
213 (ii) for compensation, provides kindergarten through grade 12 education services to
214 16 or fewer students from an individual's residential dwelling, accessory dwelling
215 unit, or residential property.

216 (b) "Home-based microschool" does not include a daycare.

217 (4) "Instructor" means an individual who teaches a student as part of a home-based
218 microschool or micro-education entity.

219 (5)(a) "Micro-education entity" means a person or association of persons that:

220 (i) registers as a business entity in accordance with state and local laws; and
221 (ii) for compensation, provides kindergarten through grade 12 education services to
222 100 students or fewer.

223 (b) "Micro-education entity" does not include:

224 (i) a daycare;
225 (ii) a home-based microschool;
226 (iii) a private school; or
227 (iv) a school within the public education system.

228 (6) "Minor" means an individual who is under 18 years old.

229 (7) "Parent" includes:

230 (a) a custodial parent of the minor;
231 (b) a legally appointed guardian of a minor; or
232 (c) any other person purporting to exercise any authority over the minor which could be
233 exercised by a person described in Subsection (7)(a) or (b).

234 (8) "School day" means the portion of a day that school is in session in which a school-age
235 child is required to be in school for purposes of receiving instruction.

236 (9) "School year" means the period of time designated by a local school board or charter
237 school governing board as the school year for the school where the school-age child:
238 (a) is enrolled; or
239 (b) should be enrolled, if the school-age child is not enrolled in school.

240 (10) "School-age child" means a minor who:
241 (a) is at least six years old but younger than 18 years old; and
242 (b) is not emancipated.

243 (11)(a) "Truant" means a condition in which a school-age child, without a valid excuse,
244 and subject to Subsection (11)(b), is absent for at least:
245 (i) half of the school day; or
246 (ii) if the school-age child is enrolled in a learner verified program, as that term is
247 defined by the state board, the relevant amount of time under the LEA's policy
248 regarding the LEA's continuing enrollment measure as it relates to truancy.

249 (b) A school-age child may not be considered truant under this part more than one time
250 during one day.

251 (12) "Truant minor" means a school-age child who:
252 (a) is subject to the requirements of Section 53G-6-202 or 53G-6-203; and
253 (b) is truant.

254 (13)(a) "Valid excuse" means:
255 (i) an illness, which may be either mental or physical, regardless of whether the
256 school-age child or parent provides documentation from a medical professional;
257 (ii) mental or behavioral health of the school-age child;
258 (iii) a family death;
259 (iv) an approved school activity;
260 (v) an absence permitted by a school-age child's:
261 (A) individualized education program; or
262 (B) Section 504 accommodation plan;
263 (vi) competition in a rodeo sanctioned by an international, non-profit organization
264 dedicated to the development of sportsmanship, horsemanship, and character in
265 youth through the sport of rodeo;
266 (vii) an absence permitted in accordance with Subsection 53G-6-803(5);
267 (viii) an absence described in Section 53G-2-106;

268 (ix) an absence occasioned by a waiver described in Section 53G-10-205; or
269 [~~(viii)~~] (x) any other excuse established as valid by a local school board, charter
270 school governing board, or school district.

271 (b) "Valid excuse" does not [mean] include a parent acknowledgment of an absence for a
272 reason other than a reason described in Subsections (13)(a)(i) through [~~(vii)~~] (ix),
273 unless specifically permitted by the local school board, charter school governing
274 board, or school district under Subsection (13)(a)[~~(viii)~~] (x).

275 Section 5. Section **53H-7-903** is amended to read:

276 **53H-7-903 . Student religious accommodations.**

277 [(1) An institution shall:]

278 [(a) reasonably accommodate a student's absence from an examination or other
279 academic requirement under the circumstances described in Subsection (2) for
280 reasons of:]
281 [(i) the student's faith or conscience; or
282 [(ii) the student's participation in an organized activity conducted under the auspices
283 of the student's religious tradition or religious organization; and]
284 [(b) ensure that an accommodation described in Subsection (1)(a) does not adversely
285 impact the student's academic opportunities.]

286 [(2) An institution shall make an accommodation described in Subsection (1) if:]

287 [(a) the time at which an examination or academic requirement is scheduled to occur
288 creates an undue hardship for a student due to the student's sincerely held religious
289 belief; and]
290 [(b) the student provides a written notice to the instructor of the course for which the
291 student seeks the accommodation regarding the date of the examination or academic
292 requirement for which the student seeks the accommodation.]

293 (1) As used in this section:

294 (a) "Religious observance" means a period of time that is a day, less than a day, or more
295 than a day that an individual, based on the individual's religious beliefs, faith, or
296 conscience:
297 (i) reverences or holds sacred;
298 (ii) attends, or abstains from attending, certain events;
299 (iii) visits, or abstains from visiting, certain locations; or
300 (iv) exercises a religious practice.
301 (b) "Religious practice" means an individual's engagement in, abstention from

302 engagement in, participation in, or abstention from participation in, an act or practice
303 based on the individual's religious beliefs, faith, or conscience.

304 (2) An institution shall reasonably accommodate a student's religious observance or
305 religious practice in relation to:

- 306 (a) the institution's admissions process;
- 307 (b) a student's attendance in class;
- 308 (c) the scheduling of an examination or academic requirement; or
- 309 (d) participation in a specific academic requirement.

310 (3) An institution shall make an accommodation described in Subsection (2) if:

311 (a) failure to provide the reasonable accommodation may or will significantly interfere
312 with the religious observance or religious practice; and

313 (b)(i) for a matter relating to the institution's admissions process, the potential student
314 provides the institution with written notice that:

315 (A) briefly describes why or how the institution's admissions process may or will
316 significantly interfere with the religious observance or practice; and

317 (B) describes the accommodation requested by the potential student; or

318 (ii) for a matter described in Subsection (2)(b), (c), or (d), the student provides the
319 course instructor with written notice that:

320 (A) specifies the matter that significantly interferes with the religious observance
321 or practice;

322 (B) briefly describes why or how the matter may or will significantly interfere
323 with the religious observance or practice; and

324 (C) describes the accommodation requested by the student.

325 [(3)] (4) An institution shall establish policies related to [the] an accommodation described in [
326 Subseetion (1)] this section that:

327 (a) require the institution to provide [the] a reasonable accommodation [with respect to]

328 requested in accordance with this section, which may include:

329 (i) when the student participates in [examinations and other academic requirements]
330 an examination, academic requirement, or another matter;

331 (ii) reasonable excused absence from class attendance;

332 (iii) alternative ways of fulfilling an academic requirement; or

333 (iv) other reasonable forms of accommodation;

334 (b) allow an instructor who receives a notice described in Subsection [(2)(b)] (3)(b)(ii) to:

335 (i) schedule an alternative examination time before or after [the] a regularly scheduled

336 examination; or

337 (ii) make other reasonable accommodations [for other academic requirements related
338 to the accommodation] requested under this section; and

339 (c) require an instructor who receives a notice described in Subsection [(2)(b)] (3)(b)(ii)
340 to keep confidential a student's request for the accommodation.

341 [(4)] (5)(a) The commissioner shall annually:

342 (i) create a list of the dates of religious holidays for the following two years; and
343 (ii) distribute the list described in Subsection [(4)(a)] (5)(a)(i) to an institution.

344 (b) The creation and distribution of the list described in Subsection [(4)(a)] (5)(a) does
345 not prohibit a student from seeking, or an institution from granting, an
346 accommodation for a date of a religious holiday that is not included on that list.

347 [(5)] (6) An institution shall:

348 (a) designate a point of contact for information about an accommodation described in [
349 Subsection (1)] this section;

350 (b) establish a process by which a student may submit a grievance with regards to
351 implementation of this section; and

352 (c) publish the following information on the institution's website and update the
353 information annually:

354 (i) the institution's religious accommodation policies described in Subsection [(3)] (4);

355 (ii) the point of contact described in Subsection [(5)(a)] (6)(a);

356 (iii) the list described in Subsection [(4)] (5);

357 (iv) a description of the general procedure to request an accommodation described in
358 Subsection [(4)] (2); and

359 (v) the grievance process described in Subsection [(5)(b)] (6)(b).

360 **Section 6. Effective Date.**

361 This bill takes effect on May 6, 2026.