

1 **Free Exercise of Religion Revisions**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Keven J. Stratton**

House Sponsor:

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2 **LONG TITLE**3 **General Description:**4 This bill amends provisions relating to an action brought for a violation of the free exercise  
5 of religion.7 **Highlighted Provisions:**

8 This bill:

9 ▶ amends the Governmental Immunity Act of Utah to clarify that the government waives  
10 immunity in relation to a cause of action described in Title 63G, Chapter 33, Free  
11 Exercise of Religion; and12 ▶ amends Title 63G, Chapter 33, Free Exercise of Religion, to clarify that a cause of action  
13 described in that chapter makes multiple types of relief available to a person that brings  
14 the action, including:15     • damages;  
16     • declaratory relief;  
17     • injunctive relief; and  
18     • all other types of legal relief.19 **Money Appropriated in this Bill:**

20     None

21 **Other Special Clauses:**

22     None

23 **Utah Code Sections Affected:**24 **AMENDS:**25     **63G-7-201**, as last amended by Laws of Utah 2025, First Special Session, Chapter 1526     **63G-7-301**, as last amended by Laws of Utah 2025, First Special Session, Chapter 927     **63G-33-201**, as last amended by Laws of Utah 2025, Chapter 326

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29 *Be it enacted by the Legislature of the state of Utah:*30     Section 1. Section **63G-7-201** is amended to read:

31           **63G-7-201 . Immunity of governmental entities and employees from suit.**

32           (1) Except as otherwise provided in this chapter, each governmental entity and each  
33           employee of a governmental entity are immune from suit for any injury that results from  
34           the exercise of a governmental function.

35           (2) Notwithstanding the waiver of immunity provisions of Section 63G-7-301, a  
36           governmental entity, its officers, and its employees are immune from suit:  
37           (a) as provided in Section 78B-4-517; and  
38           (b) for any injury or damage resulting from the implementation of or the failure to  
39           implement measures to:  
40           (i) control the causes of epidemic and communicable diseases and other conditions  
41           significantly affecting the public health or necessary to protect the public health as  
42           set out in Title 26A, Chapter 1, Local Health Departments;  
43           (ii) investigate and control suspected bioterrorism and disease as set out in Sections  
44           26B-7-316 through 26B-7-324;  
45           (iii) respond to a national, state, or local emergency, a public health emergency as  
46           defined in Section 26B-7-301, or a declaration by the [President] president of the  
47           United States or other federal official requesting public health related activities,  
48           including the use, provision, operation, and management of:  
49           (A) an emergency shelter;  
50           (B) housing;  
51           (C) a staging place; or  
52           (D) a medical facility; and  
53           (iv) adopt methods or measures, in accordance with Section 26B-1-202, for health  
54           care providers, public health entities, and health care insurers to coordinate among  
55           themselves to verify the identity of the individuals they serve.

56           (3)(a) A governmental entity, its officers, and its employees are immune from suit, and  
57           immunity is not waived, for any injury if the injury arises out of or in connection  
58           with, or results from:  
59           (i) a latent dangerous or latent defective condition of:  
60           (A) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge,  
61           or viaduct; or  
62           (B) another structure located on any of the items listed in this Subsection (3)(a)(i);  
63           or  
64           (ii) a latent dangerous or latent defective condition of any public building, structure,

dam, reservoir, or other public improvement.

(b)(i) As used in this Subsection (3)(b):

(A) "Contaminated land" means the same as that term is defined in Section 11-58-102.

(B) "Contamination" means the condition of land that results from the placement, disposal, or release of hazardous matter on, in, or under the land, including any seeping or escaping of the hazardous matter from the land.

(C) "Damage" means any property damage, personal injury, or other injury or any loss of any kind, however denominated.

(D) "Environmentally compliant" means, as applicable, obtaining a certificate of completion from the Department of Environmental Quality under Section 19-8-111 following participation in a voluntary cleanup under Title 19, Chapter 8, Voluntary Cleanup Program, obtaining an administrative letter from the Department of Environmental Quality for a discrete phase of a voluntary cleanup that is conducted under a remedial action plan as defined in Section 11-58-605, or complying with the terms of an environmental covenant, as defined in Section 57-25-102, signed by an agency, as defined in Section 57-25-102, and [duly]recorded in the office of the recorder of the county in which the contaminated land is located.

(E) "Government owner" means a governmental entity, including an independent entity, as defined in Section 63E-1-102, that acquires an ownership interest in land that was contaminated land before the governmental entity or independent entity acquired an ownership interest in the land.

(F) "Hazardous matter" means hazardous materials, as defined in Section 19-6-302, hazardous substances, as defined in Section 19-6-302, or landfill material, as defined in Section 11-58-102.

(G) "Remediation" means the same as that term is defined in Section 11-58-102.

(ii)(A) A government owner and the government owner's officers and employees are immune from suit, and immunity is not waived, for any claim for damage that arises out of or in connection with, or results from, contamination of contaminated land.

(B) A government owner's ownership of contaminated land may not be the basis of a claim against the government owner for damage that arises out of or in connection with, or results from, contamination of contaminated land.

- (iii) Subsection (3)(b)(ii) does not limit or affect:
  - (A) the liability of a person that placed, disposed of, or released hazardous matter on, in, or under the land; or
  - (B) a worker compensation claim of an employee of an entity that conducts work on or related to contaminated land.
- (iv) Immunity under Subsection (3)(b)(ii)(A) is not affected by a government owner's remediation of contaminated land if the government owner is environmentally compliant.

governmental entity, its officers, and its employees are immune from suit, and immunity is not waived, for any injury proximately caused by a negligent act or omission of an employee committed within the scope of employment, if the injury arises of or in connection with, or results from:
  - the exercise or performance, or the failure to exercise or perform, a discretionary function, regardless of whether~~-or-not~~ the discretion is abused;
  - except as provided in Subsections [63G-7-301(2)(j), (3), and (4)] 63G-7-301(2)(k), (3), and (4), assault, battery, false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of process, libel, slander, deceit, interference with contract rights, infliction of mental anguish, or violation of civil rights;
  - the issuance, denial, suspension, or revocation of, or the failure or refusal to issue, deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar authorization;
  - a failure to make an inspection or making an inadequate or negligent inspection;
  - the institution or prosecution of any judicial or administrative proceeding, even if malicious or without probable cause;
  - a misrepresentation by an employee whether or not the misrepresentation is negligent or intentional;
  - a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;
  - the collection or assessment of taxes;
  - an activity of the Utah National Guard;
  - the incarceration of a person in a state prison, county or city jail, or other place of legal confinement;
  - a natural condition on publicly owned or controlled land;
  - a condition existing in connection with an abandoned mine or mining operation;
  - an activity authorized by the School and Institutional Trust Lands Administration or

133 the Division of Forestry, Fire, and State Lands;

134 (n) the operation or existence of a trail that is along a water facility, as defined in Section  
135 73-1-8, stream, or river, regardless of ownership or operation of the water facility,  
136 stream, or river, if:

137 (i) the trail is designated under a general plan adopted by a municipality under  
138 Section 10-20-401 or by a county under Section 17-79-401;

139 (ii) the trail right-of-way or the right-of-way where the trail is located is open to  
140 public use as evidenced by a written agreement between:

141 (A) the owner or operator of the trail right-of-way or of the right-of-way where the  
142 trail is located; and

143 (B) the municipality or county where the trail is located; and

144 (iii) the written agreement:

145 (A) contains a plan for operation and maintenance of the trail; and

146 (B) provides that an owner or operator of the trail right-of-way or of the  
147 right-of-way where the trail is located has, at a minimum, the same level of  
148 immunity from suit as the governmental entity in connection with or resulting  
149 from the use of the trail;

150 (o) research or implementation of cloud management or seeding for the clearing of fog;

151 (p) the management of flood waters, earthquakes, or natural disasters;

152 (q) the construction, repair, or operation of flood or storm systems;

153 (r) the operation of an emergency vehicle, while being driven in accordance with the  
154 requirements of Section 41-6a-212;

155 (s) the activity of:

156 (i) providing emergency medical assistance;

157 (ii) fighting fire;

158 (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;

159 (iv) an emergency evacuation;

160 (v) transporting or removing an injured person to a place where emergency medical  
161 assistance can be rendered or where the person can be transported by a licensed  
162 ambulance service; or

163 (vi) intervening during a dam emergency;

164 (t) the exercise or performance, or the failure to exercise or perform, any function in  
165 accordance with Title 73, Chapter 10, Board of Water Resources - Division of Water  
166 Resources;

167 (u) an unauthorized access to government records, data, or electronic information  
168 systems by any person or entity;  
169 (v) an activity of wildlife, as defined in Section 23A-1-101, that arises during the use of  
170 a public or private road;  
171 (w) a communication between employees of one or more law enforcement agencies  
172 related to the employment, disciplinary history, character, professional competence,  
173 or physical or mental health of a peace officer, or a former, current, or prospective  
174 employee of a law enforcement agency, including any communication made in  
175 accordance with Section 53-14-103; or  
176 (x) providing or failing to provide information under Section 53-27-102 or Subsection  
177 41-1a-213(6), (7), or (8), 53-3-207(4), or 53-3-805(5).

178 (5) The following are immune from suit, and immunity is not waived for an action or  
179 failure to act within the scope of duties or employment, if the injury arises out of, in  
180 connection with, or results from the implementation of Section 17E-7-401 to the extent  
181 it addresses evaluating and classifying high risk wildland urban interface property,  
182 Section 31A-22-1310, or Title 65A, Chapter 8, Part 4, Wildland Urban Interface  
183 Property:  
184 (a) the Division of Forestry, Fire, and State Lands;  
185 (b) an officer, employee, or consultant of the Division of Forestry, Fire, and State Lands;  
186 (c) a county;  
187 (d) a wildland urban interface coordinator, as defined in Section 65A-8-401;  
188 (e) the Insurance Department; or  
189 (f) an officer, employee, or consultant of the Insurance Department.

190 Section 2. Section **63G-7-301** is amended to read:

191 **63G-7-301 . Waivers of immunity.**

192 (1)(a) Immunity from suit of each governmental entity is waived as to any contractual  
193 obligation.  
194 (b) Actions arising out of contractual rights or obligations are not subject to the  
195 requirements of Section 63G-7-401, 63G-7-402, 63G-7-403, or 63G-7-601.  
196 (c) The Division of Water Resources is not liable for failure to deliver water from a  
197 reservoir or associated facility authorized by Title 73, Chapter 26, Bear River  
198 Development Act, if the failure to deliver the contractual amount of water is due to  
199 drought, other natural condition, or safety condition that causes a deficiency in the  
200 amount of available water.

201 (2) Immunity from suit of each governmental entity is waived:

202 (a) as to any action brought to recover, obtain possession of, or quiet title to real or  
203 personal property;

204 (b) as to any action brought to foreclose mortgages or other liens on real or personal  
205 property, to determine any adverse claim on real or personal property, or to obtain an  
206 adjudication about any mortgage or other lien that the governmental entity may have  
207 or claim on real or personal property;

208 (c) as to any action based on the negligent destruction, damage, or loss of goods,  
209 merchandise, or other property while it is in the possession of any governmental  
210 entity or employee, if the property was seized for the purpose of forfeiture under any  
211 provision of state law;

212 (d) subject to Section 63G-7-302, as to any action brought under the authority of Utah  
213 Constitution, Article I, Section 22, for the recovery of compensation from the  
214 governmental entity when the governmental entity has taken or damaged private  
215 property for public uses without just compensation;

216 (e) as to any claim for attorney fees or costs under Section 63G-2-209, 63G-2-405, or  
217 63G-2-802;

218 (f) for actual damages under Title 67, Chapter 21, Utah Protection of Public Employees  
219 Act;

220 (g) as to any action brought to obtain relief from a land use regulation that imposes a  
221 substantial burden on the free exercise of religion under Title 63L, Chapter 5, Utah  
222 Religious Land Use Act;

223 (h) as to any action brought to obtain relief from a government action, as defined in  
224 Section 63G-33-101, that substantially burdens, as defined in Section 63G-33-101,  
225 the free exercise of religion under Title 63G, Chapter 33, Utah Religious Freedom  
226 Restoration Act;

227 [(h)] (i) except as provided in Subsection 63G-7-201(3), as to any injury caused by:

228 (i) a defective, unsafe, or dangerous condition of any highway, road, street, alley,  
229 crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on  
230 them; or

231 (ii) any defective or dangerous condition of a public building, structure, dam,  
232 reservoir, or other public improvement;

233 [(i)] (j) subject to Subsections 63G-7-101(4) and 63G-7-201(4), as to any injury  
234 proximately caused by a negligent act or omission of an employee committed within

the scope of employment;

[~~(j)~~] (k) notwithstanding Subsection 63G-7-101(4), as to a claim for an injury resulting from a sexual battery, as provided in Section 76-5-418, committed:

- (i) against a student of a public elementary or secondary school, including a charter school; and

(ii) by an employee of a public elementary or secondary school or charter school who:

(A) at the time of the sexual battery, held a position of special trust, as defined in Section 76-5-404.1, with respect to the student;

(B) is criminally charged in connection with the sexual battery; and

(C) the public elementary or secondary school or charter school knew or in the

exercise of reasonable care should have known, at the time of the employee's hiring, to be a sex offender, a kidnap offender, or a child abuse offender as described in Section 53-29-202, required to register under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, whose status as a sex offender, kidnap offender, or child abuse offender would have been revealed in a background check under Section 53G-11-402;

[(k)] (1) as to any action brought under Section 78B-6-2303;

[+] (m) as to any action brought to obtain relief under Title 53H, Chapter 7, Part 7,  
Student Legal Representation;

[(m)] (n) as to any action brought under Section 53-30-301; and  
[(n)] (o) as to any action or suit brought under Section 20A-19-301 and as to any compensation or expenses awarded under Subsection 20A-19-301(5).

(3)(a) As used in this Subsection (3):

(i) "Code of conduct" means a code of conduct that:

(A) is not less stringent than a model code of conduct, created by the State Board of Education, establishing a professional standard of care for preventing the conduct described in Subsection (3)(a)(i)(D);

(B) is adopted by the applicable local education governing body;

(C) regulates behavior of a school employee toward a student; and

(D) includes a prohibition against any sexual conduct between an employee and a student and against the employee and student sharing any sexually explicit or lewd communication, image, or photograph.

(ii) "Local education agency" means:

(A) a school district;

(B) a charter school; or  
(C) the Utah Schools for the Deaf and the Blind.

(iii) "Local education governing board" means:  
(A) for a school district, the local school board;  
(B) for a charter school, the charter school governing board; or  
(C) for the Utah Schools for the Deaf and the Blind, the state board.

(iv) "Public school" means a public elementary or secondary school.

(v) "Sexual abuse" means the offense described in Subsection 76-5-404.1(2).

(vi) "Sexual battery" means the offense described in Section 76-5-418, considering the term "child" in that section to include an individual under 18 years old.

(b) Notwithstanding Subsection 63G-7-101(4), immunity from suit is waived as to a claim against a local education agency for an injury resulting from a sexual battery or sexual abuse committed against a student of a public school by a paid employee of the public school who is criminally charged in connection with the sexual battery or sexual abuse, unless:  
(i) at the time of the sexual battery or sexual abuse, the public school was subject to a code of conduct; and  
(ii) before the sexual battery or sexual abuse occurred, the public school had:  
(A) provided training on the code of conduct to the employee; and  
(B) required the employee to sign a statement acknowledging that the employee has read and understands the code of conduct.

(4)(a) As used in this Subsection (4):  
(i) "Institution of higher education" means the same as that term is defined in Section 53H-1-101.  
(ii) "Policy governing behavior" means a policy adopted by a higher education institution or the Utah Board of Higher Education that:  
(A) establishes a professional standard of care for preventing the conduct described in Subsections (4)(a)(ii)(C) and (D);  
(B) regulates behavior of a special trust employee toward a subordinate student;  
(C) includes a prohibition against any sexual conduct between a special trust employee and a subordinate student; and  
(D) includes a prohibition against a special trust employee and subordinate student sharing any sexually explicit or lewd communication, image, or photograph.  
(iii) "Sexual battery" means the offense described in Section 76-5-418.

303 (iv) "Special trust employee" means an employee of an institution of higher education  
304 who is in a position of special trust, as defined in Section 76-5-404.1, with a  
305 higher education student.

306 (v) "Subordinate student" means a student:  
307 (A) of an institution of higher education; and  
308 (B) whose educational opportunities could be adversely impacted by a special  
309 trust employee.

310 (b) Notwithstanding Subsection 63G-7-101(4), immunity from suit is waived as to a  
311 claim for an injury resulting from a sexual battery committed against a subordinate  
312 student by a special trust employee, unless:  
313 (i) the institution of higher education proves that the special trust employee's  
314 behavior that otherwise would constitute a sexual battery was:  
315 (A) with a subordinate student who was at least 18 years old at the time of the  
316 behavior; and  
317 (B) with the student's consent; or  
318 (ii)(A) at the time of the sexual battery, the institution of higher education was  
319 subject to a policy governing behavior; and  
320 (B) before the sexual battery occurred, the higher education institution had taken  
321 steps to implement and enforce the policy governing behavior.

322 Section 3. Section **63G-33-201** is amended to read:

323 **Part 2. Utah Religious Freedom Restoration Act**

324 **63G-33-201 . Free exercise of religion -- Limitations on burdens imposed by  
325 government -- Claims or defenses -- Attorney fees and costs.**

326 (1) The free exercise of religion is a fundamental right and applies to all government action,  
327 including action that is facially neutral.

328 (2) Except as provided in Subsection (3):

329 (a) a government entity may not substantially burden the free exercise of religion of a  
330 person, regardless of whether the burden results from a rule of general applicability;  
331 and

332 (b) a person other than a government entity may not seek to apply or enforce  
333 government action against another person that substantially burdens the free exercise  
334 of religion of the other person, regardless of whether the burden results from a rule of  
335 general applicability.

336 (3) A government entity or government action may substantially burden a person's free

337 exercise of religion only if the government entity, or any other person seeking to enforce  
338 government action, demonstrates that the burden on the person's free exercise of religion  
339 is:

340 (a) essential to furthering a compelling governmental interest; and  
341 (b) the least restrictive means of furthering the compelling governmental interest.

342 (4) A person whose free exercise of religion is burdened in violation of this section:

343 (a) may assert the violation as a claim or defense in a judicial or administrative  
344 proceeding to obtain relief, regardless of whether a government entity is a party to the  
345 proceeding; and  
346 (b) is not required to exhaust administrative remedies before bringing a claim, or raising  
347 a defense, described in this Subsection (4).

348 (5) The relief available to a person under Subsection (4)(a) includes:

349 (a) damages;  
350 (b) declaratory relief;  
351 (c) injunctive relief; and  
352 (d) all other types of legal relief.

353 [(5)] (6)(a) Except as provided in Subsection [(5)(b)] (6)(b), a person may not bring an  
354 action under this section against a government entity described in Subsections  
355 63G-33-101(4)(a)(i) through (iii) unless, at least 60 days before the day on which the  
356 person brings the action, the person provides written notice to the government entity,  
357 in accordance with Subsections 63G-7-401(4)(b) through (d), that:

358 (i) states that the person intends to bring an action against the entity for a violation of  
359 this section;  
360 (ii) describes the government action that has burdened or will burden the person's free  
361 exercise of religion; and  
362 (iii) describes the manner in which the government action burdens or will burden the  
363 person's free exercise of religion.

364 (b) Subsection [(5)(a)] (6)(a) does not apply if the government action alleged in the  
365 action:

366 (i) is ongoing, and complying with Subsection [(5)(a)] (6)(a) will place an undue  
367 hardship on the person or increase the harm suffered by the person; or  
368 (ii) is likely to occur or reoccur before the end of the 60-day period described in  
369 Subsection [(5)(a)] (6)(a).

370 [(6)] (7) A person who prevails in an action to enforce the provisions of this section against

371 a government entity is entitled to recover reasonable attorney fees and costs.

372 **Section 4. Effective Date.**

373 This bill takes effect on May 6, 2026.