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2nd Sub. S.B. 174: Exercise of Religious Beliefs and Conscience Amendments

This document provides a concise analysis of [2nd Sub. S.B. 174](#), "Exercise of Religious Beliefs and Conscience Amendments." Its purpose is to summarize the provisions and highlight the sponsor's key policy objectives.

Key Points

- Protects a person's right to religious beliefs or conscience and refusal to perform certain health care services that conflict with those beliefs
- Provides that the religious and conscience protections in the bill do not override the requirements of the Emergency Medical Treatment and Labor Act (EMTALA) or the requirement for a health care provider to provide a medical examination and stabilizing treatment in an emergency unit
- Provides that the religious and conscience protections in the bill do not apply to medical care provided during, or before, transportation of a patient to a health care facility
- Requires a health care provider who refuses to participate in a health care service that conflicts with the health care provider's religious beliefs or conscience to provide advance notice
- Protects an individual exercising their right of religious belief or conscience from retaliation through reassignment, or other "adverse action"

Expansion on Key Points

Protects the Refusal to Service

- If a health care service conflicts with the religious beliefs or moral conscience of health care providers, institutions, and payers, they may decline to:
 - provide,
 - participate in,
 - pay for, or
 - arrange payment for the service
- Protects a health care provider, institution, and payer exercising this right from being held civilly, criminally, or administratively liable
- Protects a health care provider's right to decline to perform or participate in the disposal of fetal remains resulting from a pregnancy termination
- Allows legal action, in certain situations, when someone violates the bill's religious or conscience protections

Emergency Medical Treatment and Active Labor Act (EMTALA)

- Clarifies that advance notice does not override the requirement to provide a medical screening examination and stabilizing treatment to a patient under EMTALA or any other federal law or regulation; and
- Requires a health care provider to provide a medical examination and stabilizing treatment to a patient while the patient is in the emergency department

Advance Notice and Disclosure

- Requires a health care provider who refuses to participate in a health care service that conflicts with the health care provider's religious beliefs or conscience to provide advance notice to the facility at which the service would be performed
- Requires a health care payer agreement to disclose the health care services that they will not pay for, due to the exercise of the right of religious belief or conscience
- Requires a health care provider or institution to prominently post a statement on the provider's website and in the reception area noting the health care services that are not provided along with a website and phone number for the Department of Health and Human Services (DHHS) to obtain more information

Adverse Action

- Protects an individual exercising their right of religious belief or conscience from adverse action, which includes:
 - termination of employment;
 - demotion;
 - adverse administrative action;
 - increased administrative duties;
 - refusal of staff privileges;
 - refusal of board certification;
 - loss of career specialty;
 - reduction of wages, benefits, or privileges;
 - refusal to award a grant, contract, or other program;
 - refusal to provide residency training opportunities;
 - denial, deprivation, or disqualification of licensure;
 - withholding or disqualifying from financial aid or other assistance;
 - impediment to creating, expanding, or improving, a health care institution or health care payer;
 - impediment to acquiring, associating with, or merging with another health care institution or health care payer; or
 - another penalty, disciplinary action, or retaliatory action
- Provides that an adverse action does not include reassigning an individual to a position of reasonably equal pay, opportunity, and circumstance