

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

- (1) As used in this section:
 - (a) "Health care facility" is as defined in Section 26-21-2.
 - (b) "Health care provider" means an individual who is an employee of, has practice privileges at, or is otherwise associated with a health care facility.
- (2) A health care provider may, on religious or moral grounds, refuse to perform or participate in any way, in:
 - (a) an abortion; or
 - (b) a procedure that is intended to, or likely to, result in the termination of a pregnancy.
- (3) Except as otherwise required by law, a health care facility may refuse, on religious or moral grounds, to:
 - (a) admit a patient for an abortion procedure or another procedure that is intended to, or likely to, result in the termination of a pregnancy; or
 - (b) perform for a patient an abortion procedure or another procedure that is intended to, or likely to, result in the termination of a pregnancy.
- (4) A health care provider's refusal under Subsection (2) and a health care facility's refusal under Subsection (3) may not be the basis for civil liability or other recriminatory action.
- (5) A health care facility, employer, or other person may not take an adverse action against a health care provider for exercising the health care provider's right of refusal described in Subsection (2), or for bringing or threatening to bring an action described in Subsection (6), including:
 - (a) dismissal;
 - (b) demotion;
 - (c) suspension;
 - (d) discipline;
 - (e) discrimination;
 - (f) harassment;
 - (g) retaliation;
 - (h) adverse change in status;
 - (i) termination of, adverse alteration of, or refusal to renew an association or agreement; or
 - (j) refusal to provide a benefit, privilege, raise, promotion, tenure, or increased status that the health care provider would have otherwise received.
- (6) A person who is adversely impacted by conduct prohibited in Subsection (5) may bring a civil action for equitable relief, including reinstatement, and for damages. A person who brings an action under this section must commence the action within three years after the day on which the cause of action arises.

Repealed and Re-enacted by Chapter 277, 2011 General Session