

1 **ABORTION FREEDOM OF CONSCIENCE**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Carl Wimmer**

5 Senate Sponsor: D. Chris Buttar

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7 **LONG TITLE**

8 **General Description:**

9 This bill amends the portion of the Utah Criminal Code relating to abortion by  
10 replacing Utah's freedom of conscience law with a new and expanded freedom of  
11 conscience law.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines ~~H→~~ **[the term "health care provider" terms ←H** ;
- 15 ▶ provides that a health care provider may, on religious or moral grounds, refuse to  
16 perform or participate in any way in an abortion;
- 17 ▶ provides that, except as otherwise required by law, a

17a ~~H→~~ **[hospital] health care facility ←H** may refuse, on  
18 religious or moral grounds, to admit a patient for an abortion procedure or perform  
19 an abortion procedure for a patient;

20 ▶ provides that a health care provider's or a ~~H→~~ **[hospital's] health care facility's ←H**  
20a refusal, described in the  
21 preceding paragraphs, may not be the basis for civil liability or other recriminatory  
22 action;

23 ▶ provides that a ~~H→~~ **[hospital] health care facility ←H** , employer, or other person may  
23a not take any adverse action  
24 against a health care provider for exercising the health care provider's right of  
25 refusal described in this bill;

26 ▶ provides that a person who is adversely impacted by conduct prohibited by this bill  
27 may bring a civil action for equitable relief, including reinstatement, and for



28 damages; and

29       ▶ provides that a person who brings an action under this bill must commence the  
30 action within three years after the day on which the cause of action arises.

31 **Money Appropriated in this Bill:**

32       None

33 **Other Special Clauses:**

34       None

35 **Utah Code Sections Affected:**

36 REPEALS AND REENACTS:

37       **76-7-306**, as last amended by Laws of Utah 1995, Chapter 20

38

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

40       Section 1. Section **76-7-306** is repealed and reenacted to read:

41       **76-7-306. Refusal to participate, admit, or treat for abortion based on religious or**  
42 **moral grounds -- Cause of action.**

43       (1) As used in this section **↔** [ ] :

43a       (a) **"Health care facility" is as defined in Section 26-21-2.**

43b       (b) **↔ "↔ [health] Health ↔ care provider" means an individual who is an**  
44 **employee of, has practice privileges at, or is otherwise associated with a ↔ [hospital] health care**  
44a **facility ↔ .**

45       (2) A health care provider may, on religious or moral grounds, refuse to perform or  
46 participate in any way, in:

47       (a) an abortion; or

48       (b) a procedure that is intended to, or likely to, result in the termination of a pregnancy.

49       (3) Except as otherwise required by law, a ↔ [hospital] health care facility, ↔ may  
49a refuse, on religious or moral  
50 grounds, to:

51       (a) admit a patient for an abortion procedure or another procedure that is intended to, or  
52 likely to, result in the termination of a pregnancy; or

53       (b) perform for a patient an abortion procedure or another procedure that is intended to,  
54 or likely to, result in the termination of a pregnancy.

55       (4) A health care provider's refusal under Subsection (2) and a ↔ [hospital's] health care  
55a facility's ↔ refusal under  
56 Subsection (3) may not be the basis for civil liability or other recriminatory action.

57       (5) A ↔ [hospital] health care facility ↔ , employer, or other person may not take an  
57a adverse action against a  
58 health care provider for exercising the health care provider's right of refusal described in