

Senator Todd D. Weiler proposes the following substitute bill:

EXERCISE OF RELIGION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: Jordan D. Teuscher

LONG TITLE

General Description:

This bill provides legal protections related to the free exercise of religion.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ recognizes the freedom of religion as a fundamental right;
- ▶ prohibits a government entity from substantially burdening a person's free exercise of religion, unless the burden is essential to furthering a compelling governmental interest and is the least restrictive means of furthering that interest;
- ▶ addresses the assertion of claims or defenses under this bill; and
- ▶ provides that a person who prevails in an action to enforce the provisions of this bill against a government entity is entitled to recover attorney fees and costs.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:



26 [63G-31-101](#), Utah Code Annotated 1953
27 [63G-31-201](#), Utah Code Annotated 1953



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

30 Section 1. Section **63G-31-101** is enacted to read:

31 **63G-31-101. Definitions.**

32 As used in this chapter:

33 (1) "Demonstrates" means to produce the evidence necessary to meet, and to meet, the
34 burden of persuasion.

35 (2) "Free exercise of religion" means the ability to act or refuse to act in a manner
36 substantially motivated by a sincerely held religious belief, regardless of whether the exercise is
37 compulsory or central to a larger system of religious belief.

38 (3) "Government action" includes:

39 (a) a law, ordinance, or rule;

40 (b) the application of a law, ordinance, or rule; or

41 (c) any other action taken by, or on behalf of, a government entity.

42 (4) (a) "Government entity" means:

43 (i) the state;

44 (ii) a county, city, town, metro township, school district, special district, special service
45 district, or other political subdivision of the state;

46 (iii) an independent entity; or

47 (iv) an employee of an entity described in Subsections (4)(a)(i) through (iii) or

48 Subsection (4)(b) who is acting in the capacity of an employee of the entity.

49 (b) "Government entity" includes an agency, bureau, office, department, division,
50 board, commission, institution, laboratory, or other instrumentality of an entity described in
51 Subsections (4)(a)(i) through (iii).

52 (5) "Independent entity" means the same as that term is defined in Section [63E-1-102](#).

53 (6) "Person" means:

54 (a) an individual; or

55 (b) a religious assembly, a religious institution, or another religious organization.

56 Section 2. Section **63G-31-201** is enacted to read:

57 **63G-31-201. Free exercise of religion -- Limitations on burdens imposed by**
58 **government -- Claims or defenses -- Attorney fees and costs.**

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

61 (2) Except as provided in Subsection (3), a government entity may not substantially
62 burden the free exercise of religion of a person, regardless of whether the burden results from a
63 rule of general applicability.

64 (3) A government entity may substantially burden a person's free exercise of religion
65 only if the government entity demonstrates that the application of the burden to the person is:

66 (a) in furtherance of a compelling governmental interest; and

67 (b) the least restrictive means of furthering the compelling governmental interest.

68 (4) A person whose free exercise of religion is burdened in violation of this section
69 may assert the violation as a claim or defense in a judicial proceeding to obtain relief.

70 (5) A person who prevails in an action to enforce the provisions of this section against
71 a government entity is entitled to recover attorney fees and costs.

72 Section 3. **Effective date.**

73 This bill takes effect on May 1, 2024.