

# SB0150S01 compared with SB0150

~~{deleted text}~~ shows text that was in SB0150 but was deleted in SB0150S01.

inserted text shows text that was not in SB0150 but was inserted into SB0150S01.

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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: ~~{}~~\_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill provides legal protections related to ~~{an individual's}~~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 ~~{taking action that:~~

~~{~~substantially ~~{burdens an individual's}~~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;~~{or}~~

~~{~~~~treats religious conduct more restrictively than conduct of reasonably~~

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~~comparable risk;~~

- ‡ ▶ addresses the assertion of claims or defenses ~~{, and the seeking of relief,}~~ under this bill; and
- ▶ ~~{prohibits}~~ provides that a person who prevails in an action to enforce the provisions of this bill ~~{from being used to justify ending the life of an individual, including ending the life of an unborn child. }~~ 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:

**63G-31-101**, Utah Code Annotated 1953

**63G-31-201**, Utah Code Annotated 1953

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

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

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

As used in this chapter:

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

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

(3) "Government action" includes:

(a) a law, ordinance, or rule;

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

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

~~(1)~~(4) (a) "Government entity" means:

(i) the state;

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

(iii) an independent entity; or

(iv) an employee of an entity described in Subsections (f11)4(a)(i) through (iii) or Subsection (f11)4(b) who is acting in the capacity of an employee of the entity.

(b) "Government entity" includes an agency, bureau, office, department, division, board, commission, institution, laboratory, or other instrumentality of an entity described in Subsections (f11)4(a)(i) through (iii).

(f2)5) "Independent entity" means the same as that term is defined in Section 63E-1-102.

(f3) "State action" means action:

— (a) taken directly or indirectly by a government entity; or

— (b) that is sufficiently connected to a government entity for the action to be attributed to the government entity;

(f6) "Person" means:

(a) an individual; or

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

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

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

(1) The free exercise of religion is a fundamental right and applies to all government action ~~-- Exceptions -- Claims, defenses, and relief -- Limitations on application.~~

— (1) Notwithstanding any other provision of law, state action may not:

— (a) ~~,~~ including action that is facially neutral.

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

(3) A government entity may substantially burden ~~an individual's exercise of religion, unless applying the burden to the individual's~~ a person's free exercise of religion ~~in a particular situation is:~~

— (i) ~~essential to further~~ only if the government entity demonstrates that the application of the burden to the person is:

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

~~(iii)b~~ the least restrictive means of furthering the compelling governmental interest ~~described in Subsection (1)(a)(i); or~~

~~(b) treat religious conduct more restrictively than any conduct of reasonably comparable risk.~~

~~(2)(a)4~~ A person whose free exercise of religion is ~~or is likely to be, substantially~~ burdened ~~by a government entity~~ in violation of this section may assert the violation ~~for impending violation against the government entity~~ as a claim or defense in a judicial ~~for administrative proceeding.~~

~~(b) Relief granted under Subsection (2)(a) is limited to:~~

~~(i) injunctive or declaratory relief; and~~

~~(ii) reimbursement of costs and reasonable attorney fees.~~

~~(3) Nothing in this section:~~

~~(a) creates a cause of action by an employee of;~~ proceeding to obtain relief.

(5) A person who prevails in an action to enforce the provisions of this section against a government entity ~~against the government entity;~~

~~(b) creates a defense to a claim based upon a refusal to provide emergency medical services as required by the Emergency Medical Treatment and Active Labor Act, 42 U.S.C. Sec. 1395dd; or~~

~~(c) protects an action or decision of a person in relation to, or constitutes a claim or defense in relation to, ending the life of:~~

~~(i) an unborn child; or~~

~~(ii) another individual;~~ is entitled to recover attorney fees and costs.

Section 3. **Effective date.**

This bill takes effect on May 1, 2024.