

Keven J. Stratton proposes the following substitute bill:

Exercise of Religious Beliefs and Conscience Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

House Sponsor:

LONG TITLE

General Description:

This bill addresses the right of a person to refuse to participate in certain activities relating to a health care service that violates the person's religious beliefs or conscience.

Highlighted Provisions:

This bill:

- defines terms;
 - provides that a health care provider has a right of religious belief or conscience that permits the health care provider to refuse to provide or participate in a health care service that violates the health care provider's religious beliefs or conscience;
 - protects a person who exercises the person's right of religious belief or conscience from being held civilly, criminally, or administratively liable for exercising the right;
 - requires a health care provider who refuses, under the right of religious belief or conscience, to participate in a health care service, to provide advance notice to the health care institution where the service is provided;
 - prohibits discrimination or adverse action against a person in retaliation for the person exercising the person's right of religious belief or conscience;
 - provides for certain government entities to investigate and take administrative action against a person regulated by the government entity who violates the provisions of this bill relating to the exercise of the right of religious belief or conscience;
 - permits legal action, under certain circumstances, against a person who violates the provisions of this bill relating to the exercise of the right of religious belief or conscience;
 - permits a health care provider, on the grounds of religious belief or conscience, to refuse to perform or participate in the disposal of remains from the termination of a pregnancy;
- and

29 ▸ makes technical changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **58-1-501**, as last amended by Laws of Utah 2025, Chapter 138

37 **76-7-306**, as last amended by Laws of Utah 2023, Chapter 330

38 ENACTS:

39 **63G-33-301**, Utah Code Annotated 1953

40 **63G-33-302**, Utah Code Annotated 1953

41 **63G-33-303**, Utah Code Annotated 1953

42 **63G-33-304**, Utah Code Annotated 1953

43 **63G-33-305**, Utah Code Annotated 1953



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

46 Section 1. Section **58-1-501** is amended to read:

47 **58-1-501 . Unlawful and unprofessional conduct.**

48 (1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful under
49 this title and includes:

50 (a) practicing or engaging in, representing oneself to be practicing or engaging in, or
51 attempting to practice or engage in any profession requiring licensure under this title,
52 except the behavioral health technician under Chapter 60, Part 6, Behavioral Health
53 Coach and Technician Licensing Act, if the person is:

- 54 (i) not licensed to do so or not exempted from licensure under this title; or
- 55 (ii) restricted from doing so by a suspended, revoked, restricted, temporary,
56 probationary, or inactive license;

- 57 (b)(i) impersonating another licensee or practicing a profession under a false or
58 assumed name, except as permitted by law; or
- 59 (ii) for a licensee who has had a license under this title reinstated following
60 disciplinary action, practicing the same profession using a different name than the
61 name used before the disciplinary action, except as permitted by law and after
62 notice to, and approval by, the division;

- 63 (c) knowingly employing any other person to practice or engage in or attempt to practice
64 or engage in any profession licensed under this title if the employee is not licensed to
65 do so under this title;
- 66 (d) knowingly permitting the person's authority to practice or engage in any profession
67 licensed under this title to be used by another, except as permitted by law;
- 68 (e) obtaining a passing score on a licensure examination, applying for or obtaining a
69 license, or otherwise dealing with the division or a licensing board through the use of
70 fraud, forgery, or intentional deception, misrepresentation, misstatement, or omission;
- 71 (f)(i) issuing, or aiding and abetting in the issuance of, an order or prescription for a
72 drug or device to a person located in this state:
- 73 (A) without prescriptive authority conferred by a license issued under this title, or
74 by an exemption to licensure under this title; or
- 75 (B) with prescriptive authority conferred by an exception issued under this title or
76 a multistate practice privilege recognized under this title, if the prescription
77 was issued without first obtaining information, in the usual course of
78 professional practice, that is sufficient to establish a diagnosis, to identify
79 underlying conditions, and to identify contraindications to the proposed
80 treatment; and
- 81 (ii) Subsection (1)(f)(i) does not apply to treatment rendered in an emergency, on-call
82 or cross coverage situation, provided that the person who issues the prescription
83 has prescriptive authority conferred by a license under this title, or is exempt from
84 licensure under this title; or
- 85 (g) aiding or abetting any other person to violate any statute, rule, or order regulating a
86 profession under this title.
- 87 (2)(a) "Unprofessional conduct" means conduct, by a licensee or applicant, that is
88 defined as unprofessional conduct under this title or under any rule adopted under
89 this title and includes:
- 90 (i) violating any statute, rule, or order regulating an a profession under this title;
- 91 (ii) violating, or aiding or abetting any other person to violate, any generally accepted
92 professional or ethical standard applicable to an occupation or profession
93 regulated under this title;
- 94 (iii) subject to the provisions of Subsection (4), engaging in conduct that results in
95 conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is
96 held in abeyance pending the successful completion of probation with respect to a

- 97 crime that, when considered with the functions and duties of the profession for
98 which the license was issued or is to be issued, bears a substantial relationship to
99 the licensee's or applicant's ability to safely or competently practice the profession;
- 100 (iv) engaging in conduct that results in disciplinary action, including reprimand,
101 censure, diversion, probation, suspension, or revocation, by any other licensing or
102 regulatory authority having jurisdiction over the licensee or applicant in the same
103 profession if the conduct would, in this state, constitute grounds for denial of
104 licensure or disciplinary proceedings under Section 58-1-401;
- 105 (v) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar
106 chemicals, to the extent that the conduct does, or might reasonably be considered
107 to, impair the ability of the licensee or applicant to safely engage in the profession;
- 108 (vi) practicing or attempting to practice a profession regulated under this title despite
109 being physically or mentally unfit to do so;
- 110 (vii) practicing or attempting to practice a or profession regulated under this title
111 through gross incompetence, gross negligence, or a pattern of incompetency or
112 negligence;
- 113 (viii) practicing or attempting to practice a profession requiring licensure under this
114 title by any form of action or communication which is false, misleading,
115 deceptive, or fraudulent;
- 116 (ix) practicing or attempting to practice a profession regulated under this title beyond
117 the scope of the licensee's competency, abilities, or education;
- 118 (x) practicing or attempting to practice a profession regulated under this title beyond
119 the scope of the licensee's license;
- 120 (xi) verbally, physically, mentally, or sexually abusing or exploiting any person
121 through conduct connected with the licensee's practice under this title or otherwise
122 facilitated by the licensee's license;
- 123 (xii) acting as a supervisor without meeting the qualification requirements for that
124 position that are defined by statute or rule;
- 125 (xiii) issuing, or aiding and abetting in the issuance of, an order or prescription for a
126 drug or device:
- 127 (A) without first obtaining information in the usual course of professional
128 practice, that is sufficient to establish a diagnosis, to identify conditions, and to
129 identify contraindications to the proposed treatment; or
- 130 (B) with prescriptive authority conferred by an exception issued under this title, or

- 131 a multi-state practice privilege recognized under this title, if the prescription
 132 was issued without first obtaining information, in the usual course of
 133 professional practice, that is sufficient to establish a diagnosis, to identify
 134 underlying conditions, and to identify contraindications to the proposed
 135 treatment;
- 136 (xiv) violating a provision of Section 58-1-501.5;
- 137 (xv) violating the terms of an order governing a license;[-or]
- 138 (xvi) violating Section 58-1-511[-] ; or
- 139 (xvii) a violation of a provision of Title 63G, Chapter 33, Part 3, Free Exercise of
 140 Religious Beliefs or Conscience, by a health care provider, as defined in Section
 141 63G-33-301.
- 142 (b) "Unprofessional conduct" does not include:
- 143 (i) a health care provider, as defined in Section 78B-3-403 and who is licensed under
 144 this title, deviating from medical norms or established practices if the conditions
 145 described in Subsection (5) are met; and
- 146 (ii) notwithstanding Section 58-1-501.6, a health care provider advertising that the
 147 health care provider deviates from medical norms or established practices,
 148 including the maladies the health care provider treats, if the health care provider:
- 149 (A) does not guarantee any results regarding any health care service;
- 150 (B) fully discloses on the health care provider's website that the health care
 151 provider deviates from medical norms or established practices with a
 152 conspicuous statement; and
- 153 (C) includes the health care provider's contact information on the website.
- 154 (3) Unless otherwise specified by statute or administrative rule, in a civil or administrative
 155 proceeding commenced by the division under this title, a person subject to any of the
 156 unlawful and unprofessional conduct provisions of this title is strictly liable for each
 157 violation.
- 158 (4) The following are not evidence of engaging in unprofessional conduct under Subsection
 159 (2)(a)(iii):
- 160 (a) an arrest not followed by a conviction; or
- 161 (b) a conviction for which an individual's incarceration has ended more than five years
 162 before the date of the division's consideration, unless:
- 163 (i) after the incarceration the individual has engaged in additional conduct that results
 164 in another conviction, a plea of nolo contendere, or a plea of guilty or nolo

- 165 contendere that is held in abeyance pending the successful completion of
166 probation; or
- 167 (ii) the conviction was for:
- 168 (A) a violent felony as defined in Section 76-3-203.5;
- 169 (B) a felony related to a criminal sexual act under Title 76, Chapter 5, Part 4,
170 Sexual Offenses, or Title 76, Chapter 5b, Sexual Exploitation Act;
- 171 (C) a felony related to criminal fraud or embezzlement, including a felony under
172 Title 76, Chapter 6, Part 5, Fraud, or Title 76, Chapter 6, Part 4, Theft; or
- 173 (D) a crime or a pattern of crimes that demonstrates a substantial potential to harm
174 Utah patients or consumers, as may be determined by the director in a process
175 defined by rule made in accordance with Title 63G, Chapter 3, Utah
176 Administrative Rulemaking Act.
- 177 (5) In accordance with Subsection (2)(b)(i), a health care provider may deviate from
178 medical norms or established practices if:
- 179 (a) the health care provider does not deviate outside of the health care provider's scope
180 of practice and possesses the education, training, and experience to competently and
181 safely administer the alternative health care service;
- 182 (b) the health care provider does not provide an alternative health care service that is
183 otherwise contrary to any state or federal law;
- 184 (c) the alternative health care service has reasonable potential to be of benefit to the
185 patient to whom the alternative health care service is to be given;
- 186 (d) the potential benefit of the alternative health care service outweighs the known
187 harms or side effects of the alternative health care service;
- 188 (e) the alternative health care service is reasonably justified under the totality of the
189 circumstances;
- 190 (f) after diagnosis but before providing the alternative health care service:
- 191 (i) the health care provider educates the patient on the health care services that are
192 within the medical norms and established practices;
- 193 (ii) the health care provider discloses to the patient that the health care provider is
194 recommending an alternative health care service that deviates from medical norms
195 and established practices;
- 196 (iii) the health care provider discusses the rationale for deviating from medical norms
197 and established practices with the patient;
- 198 (iv) the health care provider discloses any potential risks associated with deviation

- 199 from medical norms and established practices; and
- 200 (v) the patient signs and acknowledges a notice of deviation; and
- 201 (g) before providing an alternative health care service, the health care provider discloses
- 202 to the patient that the patient may enter into an agreement describing what would
- 203 constitute the health care provider's negligence related to deviation.
- 204 (6) As used in this section, "notice of deviation" means a written notice provided by a
- 205 health care provider to a patient that:
- 206 (a) is specific to the patient;
- 207 (b) indicates that the health care provider is deviating from medical norms or established
- 208 practices in the health care provider's recommendation for the patient's treatment;
- 209 (c) describes how the alternative health care service deviates from medical norms or
- 210 established practices;
- 211 (d) describes the potential risks and benefits associated with the alternative health care
- 212 service;
- 213 (e) describes the health care provider's reasonably justified rationale regarding the
- 214 reason for the deviation; and
- 215 (f) provides clear and unequivocal notice to the patient that the patient is agreeing to
- 216 receive the alternative health care service which is outside medical norms and
- 217 established practices.

218 Section 2. Section **63G-33-301** is enacted to read:

219 **Part 3. Free Exercise of Religious Beliefs or Conscience**

220 **63G-33-301 . Definitions.**

221 As used in this part:

- 222 (1)(a) "Adverse action" means:
- 223 (i) termination of employment;
- 224 (ii) a demotion;
- 225 (iii) an adverse administrative action;
- 226 (iv) increased administrative duties;
- 227 (v) refusal of staff privileges;
- 228 (vi) refusal of board certification;
- 229 (vii) loss of career specialty;
- 230 (viii) reduction of wages, benefits, or privileges;
- 231 (ix) refusal to award a grant, contract, or other program;
- 232 (x) refusal to provide residency training opportunities;

- 233 (xi) denial, deprivation, or disqualification of licensure;
234 (xii) withholding or disqualifying from financial aid or other assistance;
235 (xiii) an impediment to creating, expanding, or improving, a health care institution;
236 (xiv) an impediment to acquiring, associating with, or merging with another health
237 care institution; or
238 (xv) another penalty, disciplinary action, or retaliatory action.
- 239 (b) "Adverse action" does not include:
- 240 (i) reassigning an individual to a position of reasonably equal pay, opportunity, and
241 circumstance, based on principles of sound business operation, unless the
242 reassignment constitutes retaliation or punishment of the individual for exercising
243 the individual's right of religious belief or conscience; or
- 244 (ii) transfer, demotion, or termination of employment of a health care provider, if:
- 245 (A) the health care services that the health care provider, based on the right or
246 religious belief or conscience, refuses to participate in or provide are so
247 numerous that the refusal will subject the employer to undue hardship that
248 cannot be avoided by less adverse means, including scheduling or other
249 accommodations; or
- 250 (B) the health care services that the health care provider, based on the right or
251 religious belief or conscience, refuses to participate in or provide are the
252 primary or essential functions which the individual was hired to perform.
- 253 (2) "Belief-based health care institution" means a health care institution that:
- 254 (a) holds itself out to the public as religious based or conscience based;
255 (b) states in the health care institution's governing documents that the health care
256 institution has a religious or conscience based purpose or mission; and
257 (c) has internal operating policies or procedures that implement the health care
258 institution's religious beliefs or conscience.
- 259 (3) "Conscience" means a sincerely held belief as to the rightness or wrongness of an action
260 or inaction.
- 261 (4) "Discriminate," when used in relation to a health care provider, means taking an adverse
262 action, or threatening to take an adverse action, against the health care provider as a
263 result of the health care provider:
- 264 (a) deciding to not participate in a health care service on the basis of religious belief or
265 conscience; or
- 266 (b) reporting, or threatening to report, a violation of this part.

- 267 (5) "Division of Professional Licensing" means the Division of Professional Licensing,
268 created in Section 58-1-103.
- 269 (6) "Emergency department" means the area of a hospital in which emergency services are
270 provided 24 hours a day.
- 271 (7) "Health care institution" means a person licensed, certified, or regulated under Title
272 26B, Chapter 2, Licensing and Certifications.
- 273 (8) "Health care provider" means:
- 274 (a) an individual licensed, certified, or regulated under:
- 275 (i) Title 58, Chapter 5a, Podiatric Physician Licensing Act;
276 (ii) Title 58, Chapter 15, Health Facility Administrator Act;
277 (iii) Title 58, Chapter 16a, Utah Optometry Practice Act;
278 (iv) Title 58, Chapter 17b, Pharmacy Practice Act;
279 (v) Title 58, Chapter 24b, Physical Therapy Practice Act;
280 (vi) Title 58, Chapter 24c, Physical Therapy Licensure Compact;
281 (vii) Title 58, Chapter 31b, Nurse Practice Act;
282 (viii) Title 58, Chapter 31d, Advanced Practice Registered Nurse Compact;
283 (ix) Title 58, Chapter 31e, Nurse Licensure Compact - Revised;
284 (x) Title 58, Chapter 40, Recreational Therapy Practice Act;
285 (xi) Title 58, Chapter 40a, Athletic Trainer Licensing Act;
286 (xii) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act;
287 (xiii) Title 58, Chapter 41a, Audiology and Speech-language Pathology Interstate
288 Compact;
289 (xiv) Title 58, Chapter 42a, Occupational Therapy Practice Act;
290 (xv) Title 58, Chapter 42b, Occupational Therapy Licensure Compact;
291 (xvi) Title 58, Chapter 44a, Nurse Midwife Practice Act;
292 (xvii) Title 58, Chapter 54, Radiologic Technologist, Radiologist Assistant, and
293 Radiology Practical Technician Licensing Act;
294 (xviii) Title 58, Chapter 57, Respiratory Care Practices Act;
295 (xix) Title 58, Chapter 67, Utah Medical Practice Act;
296 (xx) Title 58, Chapter 67b, Interstate Medical Licensure Compact;
297 (xxi) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
298 (xxii) Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act;
299 (xxiii) Title 58, Chapter 70a, Utah Physician Assistant Act;
300 (xxiv) Title 58, Chapter 70b, Anesthesiologist Assistant Licensing Act;

- 301 (xxv) Title 58, Chapter 70c, PA Licensure Compact;
302 (xxvi) Title 58, Chapter 71, Naturopathic Physician Practice Act;
303 (xxvii) Title 58, Chapter 73, Chiropractic Physician Practice Act;
304 (xxviii) Title 58, Chapter 75, Genetic Counselors Licensing Act;
305 (xxix) Title 58, Chapter 77, Direct-Entry Midwife Act;
306 (xxx) Title 58, Chapter 80a, Medical Language Interpreter Act;
307 (xxxix) Title 58, Chapter 81, Retired Volunteer Health Care Practitioner Act; or
308 (xxxii) Title 58, Chapter 88, General Health Professions; or
309 (b) an individual employed or supervised by:
310 (i) a person described in Subsection (8)(a); or
311 (ii) a health care institution.
312 (9)(a) "Health care service" means medical care provided to a patient at a single time or
313 over a period of time.
314 (b) "Health care service" includes:
315 (i) examination;
316 (ii) testing;
317 (iii) diagnosis;
318 (iv) dispensing or administering a drug, medication, or device;
319 (v) research;
320 (vi) prognosis;
321 (vii) therapy;
322 (viii) giving medical advice or taking action based on medical advice;
323 (ix) the withholding or withdrawal of life-sustaining care or treatment;
324 (x) the termination of a pregnancy;
325 (xi) artificial insemination;
326 (xii) gender transition;
327 (xiii) contraception; or
328 (xiv) other care or services provided by a health care provider or health care
329 institution.
330 (c) "Health care service" does not include medical care provided to an individual during,
331 or before, transport of the individual to a health care facility.
332 (10) "Right of religious belief or conscience" means the right described in Subsection
333 63G-33-302(1)(a).
334 Section 3. Section **63G-33-302** is enacted to read:

335 **63G-33-302 . Right to refuse participation in certain matters due to a violation of**
336 **religious belief or conscience -- Limitations and alternatives -- Advance notice of exercise**
337 **of right of religious belief or conscience.**

338 (1) Except as provided in Subsections (3)(a) through (c), or Subsection (8), a health care
339 provider:

340 (a) may refuse to participate in or provide a health care service that violates the health
341 care provider's religious beliefs or conscience; and

342 (b) is not, and may not be held, civilly, criminally, or administratively liable for
343 exercising the health care provider's right of religious belief or conscience.

344 (2)(a) Except as provided in Subsection (2)(b), a health care institution is not, and may
345 not be held, civilly, criminally, or administratively liable for any claim related to, or
346 arising out of, the exercise of the right of religious belief or conscience by a health
347 care provider employed, contracted, or granted admitting privileges by the health care
348 institution.

349 (b) Subsection (2)(a) does not apply to liability that arises from an act or omission of the
350 health care institution.

351 (3)(a) This part:

352 (i) does not override the requirement to provide a medical screening examination and
353 stabilizing treatment to a patient under the Emergency Medical Treatment and
354 Labor Act, 42 U.S.C. Sec. 1395dd, or any other federal law or regulation; and

355 (ii) does not permit a health care provider to fail to provide a medical screening
356 examination and stabilizing treatment to a patient while the patient is in the
357 emergency department.

358 (b) Exercise of the right of religious belief or conscience is limited to objections to a
359 particular health care service based on a person's religious belief or conscience.

360 (c) This part does not waive or modify a duty of a health care provider to provide other
361 medical services that do not violate the health care provider's religious beliefs or
362 conscience.

363 (d) A health care provider that, due to the right of religious belief or conscience, refuses
364 to participate in or provide a health care service shall prominently post the following
365 statement on the health care provider's website, and in any reception area where the
366 health care provider provides health care services:

367 "ACCESS TO HEALTH CARE SERVICES

368 Based on religious belief or conscience, this health care provider does not provide

369 the following services:

370 [list the services]

371 If you are seeking these services, you may view a list of health care providers that
372 provide these services at the following website operated by the Department of Health
373 and Human Services: [insert the website address provided by the Department of
374 Health and Human Services]

375 If you are unable to access the website, you may contact the Department of Health
376 and Human Services at [insert a phone number provided by the Department of Health
377 and Human Services] to obtain information on health care providers that provide the
378 service."

379 (e) A health care provider described in Subsection 63G-33-301(8)(a) shall disclose to the
380 Department of Health and Human Services the health care services that the health
381 care provider does not provide due to exercise of the right of religious belief or
382 conscience.

383 (f) The Department of Health and Human Services shall:

384 (i) for each health care service that a health care provider does not provide, due to
385 exercise of the right of religious belief or conscience, maintain information on
386 health care providers that provide the service;

387 (ii) post the information described in Subsection (3)(f)(i) on a website operated by the
388 Department of Health and Human Services; and

389 (iii) designate a phone number that an individual who cannot access the website
390 described in Subsection (3)(f)(ii) may call, during regular business hours, for
391 assistance in obtaining the information described in Subsection (3)(f)(i).

392 (4) A health care provider who refuses, under the right of religious belief or conscience, to
393 participate in a health care service shall provide advance notice to the health care
394 provider's employer, the health care institution where the health care service is to be
395 performed, or both, as applicable:

396 (a) of the health care service in which the health care provider refuses to participate; and

397 (b) that, subject to Subsection (3)(a), the health care provider refuses to participate in the
398 health care service because the health care service violates the health care provider's
399 right of religious belief or conscience.

400 (5) An employer or health care institution that receives the advance notice described in
401 Subsection (4) shall, to the extent reasonably practicable, schedule staffing in a manner
402 that avoids placing the health care provider in a circumstance where the health care

403 provider may be called upon to perform a health care service that violates the health care
 404 provider's religious beliefs or conscience.

405 (6) A health care provider's refusal to participate in a health care service that violates the
 406 health care provider's religious beliefs or conscience is not, by itself, evidence that the
 407 health care provider engaged in unlawful discrimination based on a protected class.

408 (7) This part:

409 (a) cannot be used to cancel or interfere with a term of an existing contract; and

410 (b) shall be applied in a manner that does not conflict with:

411 (i) the Church Amendments, 42 U.S.C. Sec. 300a-7;

412 (ii) the Coats-Snowe Amendment, 42 U.S.C. Sec. 238n;

413 (iii) the Consolidated Appropriations Act, 2023, Public Law 117-328, Div. H, Title
 414 V, General Provisions, Sec. 507(d)(1);

415 (iv) Safeguarding the Rights of Conscience as Protected by Federal Statutes, 89
 416 C.F.R. Sec. 2078; or

417 (v) any other provision of federal law.

418 (8) A health care provider that is employed at, has admitting privileges at, or otherwise
 419 provides health care services at, or for, a belief-based health care institution may not use
 420 this part, or any provision of this part, to:

421 (a) refuse to provide a health care service at, or for, the belief-based health care
 422 institution that the health care provider is contractually required to provide at, or for,
 423 the belief-based health care institution;

424 (b) refuse to provide a health care service at, or for, the belief-based health care
 425 institution in a manner that the health care provider is contractually required to use
 426 when providing the health care service at, or for, the belief-based health care
 427 institution;

428 (c) provide a health care service at, or for, the belief-based health care institution that the
 429 health care provider is contractually prohibited from providing at, or for, the
 430 belief-based health care institution; or

431 (d) provide a health care service at, or for, the belief-based health care institution in a
 432 manner that the health care provider is contractually prohibited from using when
 433 providing the health care service at, or for, the belief-based health care institution.

434 Section 4. Section **63G-33-303** is enacted to read:

435 **63G-33-303 . Discrimination prohibited.**

436 (1) A person may not discriminate against a health care provider:

- 437 (a) as a result of the health care provider's exercise of the right of religious belief or
 438 conscience; or
- 439 (b) because the person believes that the health care provider:
- 440 (i) alleged, or may allege, a violation of this part;
- 441 (ii) provided, caused to be provided, or may provide or cause to be provided,
 442 information relating to a potential violation of this part; or
- 443 (iii) testified, assisted, or participated in, or may testify, assist, or participate in, an
 444 investigation or proceeding regarding a potential violation of this part.
- 445 (2) Subsection (1) does not permit a health care provider to disclose information in
 446 violation of a provision of law.

447 Section 5. Section **63G-33-304** is enacted to read:

448 **63G-33-304 . Administrative enforcement -- Court action.**

- 449 (1)(a) A health care provider may file a complaint with the Division of Professional
 450 Licensing alleging a violation of this part by another health care provider.
- 451 (b) The Division of Professional Licensing may:
- 452 (i) investigate a complaint described in Subsection (1)(a);
- 453 (ii) take action, as provided in Section 58-1-501, against a health care provider who
 454 violates a provision of this part; or
- 455 (iii) bring a legal action in a court with jurisdiction against a health care provider who
 456 violates a provision of this part.
- 457 (c) If the Division of Professional Licensing does not investigate and take action under
 458 Subsection (1)(b), the health care provider that filed the complaint may bring an
 459 action in a court with jurisdiction for the alleged violation of this part.
- 460 (d) If the Division of Professional Licensing brings a legal action under Subsection (2)(b),
 461 or a health care provider brings a legal action under Subsection (2)(c), the person
 462 who brings the action:
- 463 (i) may seek, as a remedy for the alleged violation of this part, injunctive relief or
 464 damages; and
- 465 (ii) if the person prevails in the action, is entitled to an award for reasonable attorney
 466 fees and costs.
- 467 (2)(a) A health care provider may file a complaint with the Department of Health and
 468 Human Services alleging a violation of this part by a health care institution.
- 469 (b) The Department of Health and Human Services shall investigate a complaint
 470 described in Subsection (1)(a) and take action, under Title 26B, Chapter 2, Licensing

471 and Certifications, against a health care institution that violates this part, or may bring
 472 a legal action in a court with jurisdiction against a health care institution that violates
 473 this part, to:

474 (i) enforce the provisions of this part; and

475 (ii) if applicable, impose a penalty for the violation.

476 (c) If the Department of Health and Human Services fails to investigate and take action
 477 under Subsection (2)(b), the health care provider that filed the complaint may bring
 478 an action in a court with jurisdiction for the alleged violation of this part.

479 (d) If the Department of Health and Human Services brings a legal action under
 480 Subsection (2)(b), or a health care provider brings a legal action under Subsection
 481 (2)(c), the person who brings the action:

482 (i) may seek, as a remedy for the alleged violation of this part, injunctive relief or
 483 damages; and

484 (ii) if the person prevails in the action, is entitled to an award for reasonable attorney
 485 fees and costs.

486 Section 6. Section **63G-33-305** is enacted to read:

487 **63G-33-305 . Effect upon related provisions of law.**

488 The provisions of this part are applicable and available in addition to, and not in lieu of,
 489 the provisions of Section 76-7-306, relating to abortion, the termination of a pregnancy, or the
 490 disposal of remains.

491 Section 7. Section **76-7-306** is amended to read:

492 **76-7-306 . Refusal to participate, admit, or treat for abortion based on religious**
 493 **or moral grounds -- Cause of action.**

494 (1) As used in this section:

495 (a) "Conscience" means the same as that term is defined in Section 63G-33-301.

496 ~~[(a)]~~ (b) "Health care facility" [is-as] means the same as that term is defined in Section
 497 26B-2-201.

498 ~~[(b)]~~ (c) "Health care provider" means an individual who is an employee of, has practice
 499 privileges at, or is otherwise associated with a health care facility.

500 (2) A health care provider may, on ~~[religious or moral grounds]~~ the grounds of religious
 501 belief or conscience, refuse to perform or participate in any way, in:

502 (a) an abortion;[-or]

503 (b) a procedure that is intended to, or likely to, result in the termination of a pregnancy[-:] ;
 504 or

- 505 (c) the disposal of remains resulting from an abortion or a procedure described in
506 Subsection (2)(b).
- 507 (3) Except as otherwise required by law, a health care facility may refuse, on [~~religious or~~
508 ~~moral grounds~~] the grounds of religious belief or conscience, to:
- 509 (a) admit a patient for an abortion procedure or another procedure that is intended to, or
510 likely to, result in the termination of a pregnancy; or
- 511 (b) perform for a patient an abortion procedure or another procedure that is intended to,
512 or likely to, result in the termination of a pregnancy.
- 513 (4) A health care provider's refusal under Subsection (2) [~~and~~] or a health care facility's
514 refusal under Subsection (3) may not be the basis for civil liability or other recriminatory
515 action.
- 516 (5) A health care facility, employer, or other person may not take an adverse action against
517 a health care provider for exercising the health care provider's right of refusal described
518 in Subsection (2), or for bringing or threatening to bring an action described in
519 Subsection (6), including:
- 520 (a) dismissal;
- 521 (b) demotion;
- 522 (c) suspension;
- 523 (d) discipline;
- 524 (e) discrimination;
- 525 (f) harassment;
- 526 (g) retaliation;
- 527 (h) adverse change in status;
- 528 (i) termination of, adverse alteration of, or refusal to renew an association or agreement;
529 or
- 530 (j) refusal to provide a benefit, privilege, raise, promotion, tenure, or increased status
531 that the health care provider would have otherwise received.
- 532 (6)(a) A person who is adversely impacted by conduct prohibited in Subsection (5) may
533 bring a civil action for equitable relief, including reinstatement, and for damages.
- 534 (b) A person who brings an action under this section must commence the action within
535 three years after the day on which the cause of action arises.

536 Section 8. **Effective Date.**

537 This bill takes effect on May 6, 2026.