

1 **ABORTION FREEDOM OF CONSCIENCE**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Carl Wimmer**

5 Senate Sponsor: D. Chris Buttars

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 terms;
- 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 health care facility may refuse,
18 on religious or moral grounds, to admit a patient for an abortion procedure or
19 perform an abortion procedure for a patient;
- 20 ▶ provides that a health care provider's or a health care facility's refusal, described in
21 the preceding paragraphs, may not be the basis for civil liability or other
22 recriminatory action;
- 23 ▶ provides that a health care facility, employer, or other person may not take any
24 adverse action against a health care provider for exercising the health care provider's
25 right of 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



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 Section **76-7-306** is repealed and reenacted to read: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

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

45 (b) "Health care provider" means an individual who is an employee of, has practice
46 privileges at, or is otherwise associated with a health care facility.

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

49 (a) an abortion; or

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

51 (3) Except as otherwise required by law, a health care facility may refuse, on religious
52 or moral grounds, to:

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

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

57 (4) A health care provider's refusal under Subsection (2) and a health care facility's

58 refusal under Subsection (3) may not be the basis for civil liability or other recriminatory
59 action.

60 (5) A health care facility, employer, or other person may not take an adverse action
61 against a health care provider for exercising the health care provider's right of refusal described
62 in Subsection (2), or for bringing or threatening to bring an action described in Subsection (6),
63 including:

64 (a) dismissal;

65 (b) demotion;

66 (c) suspension;

67 (d) discipline;

68 (e) discrimination;

69 (f) harassment;

70 (g) retaliation;

71 (h) adverse change in status;

72 (i) termination of, adverse alteration of, or refusal to renew an association or
73 agreement; or

74 (j) refusal to provide a benefit, privilege, raise, promotion, tenure, or increased status
75 that the health care provider would have otherwise received.

76 (6) A person who is adversely impacted by conduct prohibited in Subsection (5) may
77 bring a civil action for equitable relief, including reinstatement, and for damages. A person
78 who brings an action under this section must commence the action within three years after the
79 day on which the cause of action arises.