

EXERCISE OF RELIGION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: _____

LONG TITLE

General Description:

This bill provides legal protections related to an individual's exercise of religion.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits a government entity from taking action that:
 - substantially burdens an individual's 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 comparable risk;
- ▶ addresses the assertion of claims or defenses, and the seeking of relief, under this bill; and
- ▶ prohibits the provisions of this bill from being used to justify ending the life of an individual, including ending the life of an unborn child.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 ENACTS:

29 [63G-31-101](#), Utah Code Annotated 1953

30 [63G-31-201](#), Utah Code Annotated 1953

31

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

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

34 **63G-31-101. Definitions.**

35 As used in this chapter:

36 (1) (a) "Government entity" means:

37 (i) the state;

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

40 (iii) an independent entity; or

41 (iv) an employee of an entity described in Subsections (1)(a)(i) through (iii) or

42 Subsection (1)(b) who is acting in the capacity of an employee of the entity.

43 (b) "Government entity" includes an agency, bureau, office, department, division,
44 board, commission, institution, laboratory, or other instrumentality of an entity described in
45 Subsections (1)(a)(i) through (iii).

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

47 (3) "State action" means action:

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

49 (b) that is sufficiently connected to a government entity for the action to be attributed
50 to the government entity.

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

52 **63G-31-201. Protection of exercise of religion from government action --**
53 **Exceptions -- Claims, defenses, and relief -- Limitations on application.**

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

55 (a) substantially burden an individual's exercise of religion, unless applying the burden
56 to the individual's exercise of religion in a particular situation is:

57 (i) essential to further a compelling governmental interest; and

58 (ii) the least restrictive means of furthering the compelling governmental interest

59 described in Subsection (1)(a)(i); or

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

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

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

67 (i) injunctive or declaratory relief; and

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

69 (3) Nothing in this section:

70 (a) creates a cause of action by an employee of a government entity against the
71 government entity;

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

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

77 (i) an unborn child; or

78 (ii) another individual.

79 **Section 3. Effective date.**

80 This bill takes effect on May 1, 2024.