

ABORTION FREEDOM OF CONSCIENCE

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl Wimmer

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the portion of the Utah Criminal Code relating to abortion by replacing Utah's freedom of conscience law with a new and expanded freedom of conscience law.

Highlighted Provisions:

This bill:

- ▶ defines the term "health care provider";
- ▶ provides that a health care provider may, on religious or moral grounds, refuse to perform or participate in any way in an abortion;
- ▶ provides that, except as otherwise required by law, a hospital may refuse, on religious or moral grounds, to admit a patient for an abortion procedure or perform an abortion procedure for a patient;
- ▶ provides that a health care provider's or a hospital's refusal, described in the preceding paragraphs, may not be the basis for civil liability or other recriminatory action;
- ▶ provides that a hospital, employer, or other person may not take any adverse action against a health care provider for exercising the health care provider's right of refusal described in this bill;
- ▶ provides that a person who is adversely impacted by conduct prohibited by this bill may bring a civil action for equitable relief, including reinstatement, and for



damages; and

► provides that a person who brings an action under this bill must commence the action within three years after the day on which the cause of action arises.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

REPEALS AND REENACTS:

76-7-306, as last amended by Laws of Utah 1995, Chapter 20

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

Section 1. Section **76-7-306** is repealed and reenacted to read:

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

(1) As used in this section, "health care provider" means an individual who is an employee of, has practice privileges at, or is otherwise associated with a hospital.

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

(a) an abortion; or

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

(3) Except as otherwise required by law, a hospital may refuse, on religious or moral grounds, to:

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

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

(4) A health care provider's refusal under Subsection (2) and a hospital's refusal under Subsection (3) may not be the basis for civil liability or other recriminatory action.

(5) A hospital, employer, or other person may not take an adverse action against a health care provider for exercising the health care provider's right of refusal described in

Subsection (2), or for bringing or threatening to bring an action described in Subsection (6),
including:

(a) dismissal;

(b) demotion;

(c) suspension;

(d) discipline;

(e) discrimination;

(f) harassment;

(g) retaliation;

(h) adverse change in status;

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

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

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

Legislative Review Note
as of 2-11-11 1:27 PM

Office of Legislative Research and General Counsel