ABORTION FREEDOM OF CONSCIENCE
2011 GENERAL SESSION
STATE OF UTAH
Chief Sponsor:  Carl Wimmer
Senate Sponsor: D. Chris Buttars

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” terms];
- 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] health care facility 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] health care facility's refusal, described in the preceding paragraphs, may not be the basis for civil liability or other recriminatory action;
- provides that a [hospital] health care facility, 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 Section 76-7-306 is repealed and reenacted to read: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:

(a) “Health care facility” is defined in Section 26-21-2.

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

(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 health care facility, 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) and a health care facility's refusal under Subsection (3) may not be the basis for civil liability or other recriminatory action.
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

(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
FISCAL NOTE

SHORT TITLE: Abortion Freedom of Conscience

SPONSOR: Wimmer, C.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))
Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))
Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))
Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.

2/17/2011, 09:03 PM, Lead Analyst: Syphus, G./Attorney: TRV
Office of the Legislative Fiscal Analyst