

**First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 25-0800.01 Brita Darling x2241

**HOUSE BILL 25-1255**

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**HOUSE SPONSORSHIP**

**Luck,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING PROTECTING A HEALTH-CARE PROVIDER'S RIGHT TO**  
102      **EXERCISE THEIR CONSCIENCE IN PROVIDING HEALTH CARE.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill creates the "Medical Ethics Defense Act" (act). The act recognizes that a health-care professional, health-care institution, and health-care payer (health-care provider) has a right of conscience. The act:

- Defines "conscience" to mean the ethical, moral, or religious beliefs or principles held by a health-care provider

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

and recognizes institutional entities or corporate bodies as also having a conscience as determined by reference to the governing documents of the entity or body; and

- Allows a health-care provider to refuse to participate in or pay for a medical procedure, treatment, or service that violates the health-care provider's conscience.

The right of conscience is limited to a particular medical procedure, treatment, or service. Further, a health-care payer is prohibited from refusing to pay for services that are specified in the health-care payer's contract. The act shall not be construed to conflict with the requirement to provide emergency medical treatment.

A health-care provider:

- Shall not be discriminated against in any manner as a result of the health-care provider exercising its right of conscience; and
- Is immune from civil, criminal, or administrative liability for exercising its right of conscience.

The act authorizes a religious health-care provider to make employment staffing, contracting, and administrative decisions consistent with its religious beliefs if it holds itself out to the public as religious and has internal operating procedures that implement its religious purpose or mission. The act provides protection against discrimination to a health-care provider that provides information about a violation of the act or other law to an employer or a state or federal agency or official or that testifies or participates in proceedings relating to the violation.

Additionally, the act prohibits:

- Administrative agencies from denying or revoking a license, certification, or registration, or threatening to do so, based upon an individual health-care professional engaging in free speech under the United States constitution (constitution) or section 10 of article II of the state constitution; or
- The state from contracting with, recognizing, approving, or requiring an individual to obtain certifications or credentials from a specialty board or other recognizing agency that refuses to certify or revokes credentials based upon an individual's engagement in free speech under the constitution.

A state entity that regulates the provision of medical treatments, procedures, or services shall promptly notify a health-care provider of any complaint received by the entity that is based on an exercise of free speech and that may result in revocation of the health-care provider's license, certification, or registration.

A party aggrieved by a violation of the act may commence a civil action and, if a violation has occurred, is entitled to injunctive and

declaratory relief and an award of monetary damages and attorney fees.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, **add** article 60 to title  
3 25 as follows:

4   **ARTICLE 60**

5   **Medical Ethics Defense Act**

6           **25-60-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 60 IS  
7 THE "MEDICAL ETHICS DEFENSE ACT".

8           **25-60-102. Legislative declaration - purpose.** (1) THE GENERAL  
9 ASSEMBLY FINDS AND DETERMINES THAT:

10           (a) THE RIGHT OF CONSCIENCE IS A FUNDAMENTAL AND  
11 UNALIENABLE RIGHT CENTRAL TO THE FOUNDING OF THE UNITED STATES  
12 AND HAS BEEN DEEPLY ROOTED IN THE NATION'S HISTORY AND TRADITION  
13 FOR CENTURIES;

14           (b) THROUGH THE HIPPOCRATIC OATH, WHICH IS A SWORN  
15 AGREEMENT BY PHYSICIANS TO DO NO HARM, THE RIGHT OF CONSCIENCE  
16 HAS BEEN ENSHRINED IN THE PRACTICE OF MEDICINE FOR MILLENNIA;

17           (c) HOWEVER, DESPITE ITS PREEMINENT IMPORTANCE, THREATS TO  
18 THE RIGHT OF CONSCIENCE OF HEALTH-CARE PROFESSIONALS,  
19 HEALTH-CARE INSTITUTIONS, AND HEALTH-CARE PAYERS HAVE BECOME  
20 INCREASINGLY COMMON AND SEVERE IN RECENT YEARS; AND

21           (d) THE SWIFT PACE OF SCIENTIFIC ADVANCEMENT AND THE  
22 EXPANSION OF MEDICAL CAPABILITIES, ALONG WITH THE CREATION OF  
23 NEW RIGHTS FOR PATIENTS TO ACCESS CERTAIN PROCEDURES AND THE  
24 MISTAKEN NOTION THAT HEALTH-CARE PROFESSIONALS, HEALTH-CARE  
25 INSTITUTIONS, AND HEALTH-CARE PAYERS ARE MERE PUBLIC UTILITIES,

1 PROMISES TO MAKE THE CURRENT CRISIS WORSE, UNLESS SOMETHING IS  
2 DONE TO SECURE THE RIGHT OF CONSCIENCE.

3 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT:

4 (a) IT IS THE PUBLIC POLICY OF THE STATE TO PROTECT THE RIGHT  
5 OF CONSCIENCE FOR HEALTH-CARE PROFESSIONALS, HEALTH-CARE  
6 INSTITUTIONS, AND HEALTH-CARE PAYERS;

7 (b) AS THE CONSCIENCE IS FUNDAMENTAL, A HEALTH-CARE  
8 PROFESSIONAL, HEALTH-CARE INSTITUTION, OR HEALTH-CARE PAYER  
9 SHALL NOT BE REQUIRED TO PARTICIPATE IN NOR PAY FOR ANY MEDICAL  
10 PROCEDURE, TREATMENT, OR SERVICE, OR PRESCRIBE OR PAY FOR ANY  
11 MEDICATION TO WHICH THEY OBJECT ON THE BASIS OF CONSCIENCE,  
12 WHETHER SUCH CONSCIENCE IS INFORMED BY RELIGIOUS, MORAL, OR  
13 ETHICAL BELIEFS OR PRINCIPLES; AND

14 (c) IT IS THE PURPOSE OF THIS ARTICLE 60 TO PROTECT  
15 HEALTH-CARE PROFESSIONALS, HEALTH-CARE INSTITUTIONS, AND  
16 HEALTH-CARE PAYERS FROM DISCRIMINATION, PUNISHMENT, AND  
17 RETALIATION AS A RESULT OF ANY INSTANCE OF ENGAGING IN  
18 CONSCIENTIOUS MEDICAL OBJECTION.

19 **25-60-103. Definitions.** AS USED IN THIS ARTICLE 60, UNLESS THE  
20 CONTEXT OTHERWISE REQUIRES:

21 (1)(a) "CONSCIENCE" MEANS THE ETHICAL, MORAL, OR RELIGIOUS  
22 BELIEFS OR PRINCIPLES HELD BY A HEALTH-CARE PROVIDER.

23 (b) WITH RESPECT TO INSTITUTIONAL ENTITIES OR CORPORATE  
24 BODIES, AS OPPOSED TO INDIVIDUALS, "CONSCIENCE" IS DETERMINED BY  
25 REFERENCE TO THE GOVERNING DOCUMENTS OF THE ENTITY OR BODY,  
26 INCLUDING ANY ETHICAL, MORAL, OR RELIGIOUS GUIDELINES, DIRECTIVES,  
27 MISSION STATEMENTS, CONSTITUTIONS, ARTICLES OF INCORPORATION,

1 BYLAWS, POLICIES, OR REGULATIONS.

2 (2) (a) "DISCRIMINATION" OR "DISCRIMINATED AGAINST" MEANS  
3 ANY ADVERSE ACTION TAKEN AGAINST, OR THREAT OF ADVERSE ACTION  
4 COMMUNICATED TO, A HEALTH-CARE PROVIDER AS A RESULT OF THE  
5 HEALTH-CARE PROVIDER EXERCISING THEIR RIGHT PROTECTED IN SECTION  
6 25-60-104.

7 (b) "DISCRIMINATION" INCLUDES ANY PENALTY, DISCIPLINARY, OR  
8 RETALIATORY ACTION, WHETHER EXECUTED OR THREATENED.

9 (c) "DISCRIMINATION" DOES NOT INCLUDE THE NEGOTIATION OR  
10 PURCHASE OF, OR THE REFUSAL TO USE OR PURCHASE, INSURANCE OR  
11 MEDICAL PROCEDURES, TREATMENTS, OR SERVICES BY AN INDIVIDUAL OR  
12 NONGOVERNMENTAL ENTITY OR GOOD FAITH EFFORTS TO ACCOMMODATE  
13 CONSCIENTIOUS OBJECTIONS OF A HEALTH-CARE PROVIDER.

14 (3) (a) "HEALTH-CARE INSTITUTION" MEANS ANY ORGANIZATION,  
15 CORPORATION, PARTNERSHIP, ASSOCIATION, AGENCY, NETWORK, SOLE  
16 PROPRIETORSHIP, JOINT VENTURE, OR OTHER ENTITY THAT PROVIDES  
17 MEDICAL PROCEDURES, TREATMENTS, OR SERVICES.

18 (b) "HEALTH-CARE INSTITUTION" INCLUDES A HOSPITAL OR  
19 HEALTH FACILITY LICENSED OR CERTIFIED PURSUANT TO SECTION  
20 25-1.5-103 (1), ARTICLE 3 OF THIS TITLE 25, OR BOTH.

21 (4) "HEALTH-CARE PAYER" MEANS AN EMPLOYER, A HEALTH  
22 BENEFIT PLAN, A HEALTH MAINTENANCE ORGANIZATION, AN INSURANCE  
23 COMPANY, A MANAGEMENT SERVICES ORGANIZATION, OR ANY OTHER  
24 ENTITY THAT PAYS FOR A MEDICAL PROCEDURE, TREATMENT, OR SERVICE  
25 PROVIDED TO A PATIENT OR CLIENT, INCLUDING TO CONTRACT FOR,  
26 ARRANGE FOR PAYMENT OF, REIMBURSE, OR REMUNERATE, WHETHER  
27 PAYMENT IS MADE IN WHOLE OR IN PART.

1 (5) "HEALTH-CARE PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS  
2 AUTHORIZED TO PARTICIPATE IN ANY WAY IN A MEDICAL PROCEDURE,  
3 TREATMENT, OR SERVICE, INCLUDING AN INDIVIDUAL LICENSED,  
4 CERTIFIED, OR REGISTERED PURSUANT TO ARTICLES 200 TO 310 OF TITLE  
5 12; AN EMPLOYEE OF A HOSPITAL, CLINIC, NURSING HOME, OR PHARMACY;  
6 FACULTY AND STUDENTS OF A MEDICAL SCHOOL, NURSING SCHOOL, OR  
7 SCHOOL OF PSYCHOLOGY OR COUNSELING; MEDICAL RESEARCHERS; AND  
8 LABORATORY TECHNICIANS.

9 (6) "HEALTH-CARE PROVIDER" MEANS A HEALTH-CARE  
10 PROFESSIONAL, HEALTH-CARE INSTITUTION, OR HEALTH-CARE PAYER.

11 (7) "MEDICAL PROCEDURE, TREATMENT, OR SERVICE" MEANS  
12 MEDICAL RESEARCH OR HEALTH-CARE SERVICES PROVIDED TO A PATIENT  
13 OR CLIENT AT ANY TIME OVER THE COURSE OF THE PROCEDURE,  
14 TREATMENT, OR SERVICE AND INCLUDES TESTING; DIAGNOSING;  
15 RECORD-MAKING; REFERRING; PRESCRIBING, DISPENSING, OR  
16 ADMINISTERING A DRUG, MEDICATION, OR DEVICE; THERAPY OR  
17 COUNSELING; OR PREPARING, ARRANGING, OR PERFORMING A SURGICAL  
18 PROCEDURE.

19 (8) "PARTICIPATE" MEANS, WITH RESPECT TO A MEDICAL  
20 PROCEDURE, TREATMENT, OR SERVICE, TO PROVIDE, PERFORM, ASSIST  
21 WITH, FACILITATE, REFER FOR, COUNSEL FOR, ADVISE WITH REGARD TO, OR  
22 ADMIT FOR THE PURPOSES OF PROVIDING OR TAKING PART IN ANY WAY IN  
23 PROVIDING A MEDICAL PROCEDURE, TREATMENT, OR SERVICE.

24 **25-60-104. Right of conscience of health-care providers.**

25 (1) **Right of conscience.** A HEALTH-CARE PROVIDER SHALL NOT BE  
26 REQUIRED TO PARTICIPATE IN OR PAY FOR A MEDICAL PROCEDURE,  
27 TREATMENT, OR SERVICE THAT VIOLATES THE HEALTH-CARE PROVIDER'S

1 CONSCIENCE.

2 (2) **Limited to specific medical procedures, treatments, or**  
3 **services or when contractually obligated to pay.** THE RIGHT OF  
4 CONSCIENCE PROTECTED UNDER THIS SECTION:

5 (a) IS LIMITED TO A PARTICULAR MEDICAL PROCEDURE,  
6 TREATMENT, OR SERVICE THAT VIOLATES THE CONSCIENCE OF THE  
7 HEALTH-CARE PROVIDER;

8 (b) DOES NOT WAIVE OR MODIFY A DUTY THAT A HEALTH-CARE  
9 PROVIDER HAS TO PROVIDE OR PAY FOR MEDICAL PROCEDURES,  
10 TREATMENTS, OR SERVICES THAT DO NOT VIOLATE THE HEALTH-CARE  
11 PROVIDER'S CONSCIENCE; AND

12 (c) DOES NOT ALLOW A HEALTH-CARE PAYER TO DECLINE  
13 PAYMENT FOR A MEDICAL PROCEDURE, TREATMENT, OR SERVICE THAT THE  
14 HEALTH-CARE PAYER IS CONTRACTUALLY OBLIGATED TO PAY FOR UNDER  
15 THE TERMS OF A CONTRACT WITH AN INSURED PARTY.

16 (3) **Discrimination prohibited.** A HEALTH-CARE PROVIDER SHALL  
17 NOT BE DISCRIMINATED AGAINST IN ANY MANNER AS A RESULT OF THE  
18 HEALTH-CARE PROVIDER EXERCISING THE HEALTH-CARE PROVIDER'S  
19 RIGHT OF CONSCIENCE.

20 (4) (a) **Immunity from liability for right of conscience.** A  
21 HEALTH-CARE PROVIDER IS NOT CIVILLY, CRIMINALLY, OR  
22 ADMINISTRATIVELY LIABLE FOR EXERCISING THE HEALTH-CARE  
23 PROVIDER'S RIGHT OF CONSCIENCE DESCRIBED IN THIS SECTION.

24 (b) A HEALTH-CARE INSTITUTION IS NOT CIVILLY, CRIMINALLY, OR  
25 ADMINISTRATIVELY LIABLE FOR THE EXERCISE OF THE RIGHT OF  
26 CONSCIENCE BY A HEALTH-CARE PROFESSIONAL EMPLOYED BY,  
27 CONTRACTED WITH, OR GRANTED ADMITTING PRIVILEGES BY THE

1 HEALTH-CARE INSTITUTION.

2 (5) (a) THIS ARTICLE 60 SHALL NOT BE INTERPRETED TO  
3 UNDERMINE THE RIGHT OF A RELIGIOUS HEALTH-CARE PROVIDER TO MAKE  
4 EMPLOYMENT STAFFING, CONTRACTING, ADMINISTRATIVE, AND  
5 ADMITTING PRIVILEGE DECISIONS CONSISTENT WITH ITS RELIGIOUS BELIEFS  
6 IF THE RELIGIOUS HEALTH-CARE PROVIDER:

7 (I) HOLDS ITSELF OUT TO THE PUBLIC AS RELIGIOUS; AND

8 (II) HAS INTERNAL OPERATING POLICIES OR PROCEDURES THAT  
9 IMPLEMENT ITS RELIGIOUS PURPOSE OR MISSION.

10 (b) THIS ARTICLE 60 SHALL NOT BE CONSTRUED TO CONFLICT WITH  
11 THE REQUIREMENTS OF THE FEDERAL "EMERGENCY MEDICAL TREATMENT  
12 AND LABOR ACT", 42 U.S.C. SEC. 1395dd.

13 **25-60-105. Whistleblower protections.** (1) A HEALTH-CARE  
14 PROVIDER SHALL NOT BE DISCRIMINATED AGAINST BECAUSE THE  
15 HEALTH-CARE PROVIDER:

16 (a) PROVIDED, CAUSED TO BE PROVIDED, OR IS ABOUT TO PROVIDE  
17 OR CAUSE TO BE PROVIDED INFORMATION RELATING TO AN ACT OR  
18 OMISSION THAT THE HEALTH-CARE PROVIDER REASONABLY BELIEVES TO  
19 BE A VIOLATION OF THIS ARTICLE 60 TO:

20 (I) THE HEALTH-CARE PROVIDER'S EMPLOYER;

21 (II) THE ATTORNEY GENERAL;

22 (III) A STATE AGENCY CHARGED WITH PROTECTING THE RIGHT OF  
23 CONSCIENCE UNDER THIS ARTICLE 60;

24 (IV) THE OFFICE FOR CIVIL RIGHTS IN THE FEDERAL DEPARTMENT  
25 OF HEALTH AND HUMAN SERVICES; OR

26 (V) ANY OTHER FEDERAL AGENCY CHARGED WITH PROTECTING  
27 THE RIGHT OF CONSCIENCE; OR



1 (b) TESTIFIED, ASSISTED, OR PARTICIPATED IN OR IS PREPARING TO  
2 TESTIFY, ASSIST, OR PARTICIPATE IN A PROCEEDING CONCERNING A  
3 VIOLATION OF THIS ARTICLE 60.

4 (2) (a) UNLESS DISCLOSURE IS SPECIFICALLY PROHIBITED BY LAW,  
5 A HEALTH-CARE PROVIDER SHALL NOT BE DISCRIMINATED AGAINST  
6 BECAUSE THE HEALTH-CARE PROVIDER DISCLOSED INFORMATION, BY  
7 FORMAL OR INFORMAL COMMUNICATION, TRANSMISSION, OR DISCUSSION,  
8 THAT THE HEALTH-CARE PROVIDER REASONABLY BELIEVES  
9 DEMONSTRATES:

10 (I) A VIOLATION OF A LAW, RULE, OR REGULATION;

11 (II) A VIOLATION OF AN ETHICAL GUIDELINE FOR THE PROVISION  
12 OF MEDICAL TREATMENT; OR

13 (III) GROSS MISMANAGEMENT, GROSS WASTE OF FUNDS, AN ABUSE  
14 OF AUTHORITY, A PRACTICE OR METHOD OF TREATMENT THAT MAY PUT  
15 PATIENT HEALTH AT RISK, OR A SUBSTANTIAL AND SPECIFIC DANGER TO  
16 PUBLIC HEALTH OR SAFETY.

17 (b) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION, THE  
18 WHISTLEBLOWER PROTECTION DESCRIBED IN SUBSECTION (2)(a) OF THIS  
19 SECTION DOES NOT APPLY IF THE DISCLOSURE CONCERNS THE LAWFUL  
20 EXERCISE OF DISCRETIONARY DECISION-MAKING AUTHORITY, UNLESS THE  
21 HEALTH-CARE PROVIDER REASONABLY BELIEVES THAT THE DISCLOSURE  
22 DEMONSTRATES A VIOLATION OR MISCONDUCT LISTED IN SUBSECTIONS  
23 (2)(a)(I) TO (2)(a)(III) OF THIS SECTION.

24 **25-60-106. Free speech protections. (1) Free speech protected**  
25 **from state violation.** A STATE SUBDIVISION, AGENCY, DEPARTMENT, OR  
26 BOARD CREATED IN ARTICLES 200 TO 310 OF TITLE 12 THAT REGULATES  
27 THE PRACTICE OF MEDICAL TREATMENT SHALL NOT REPRIMAND OR

1 SANCTION, DENY OR REVOKE, OR THREATEN TO DENY OR REVOKE THE  
2 LICENSE, CERTIFICATION, OR REGISTRATION OF, OR OTHERWISE  
3 DISCRIMINATE AGAINST, A HEALTH-CARE PROVIDER FOR ENGAGING IN  
4 SPEECH, EXPRESSION, OR ASSOCIATION THAT IS PROTECTED FROM  
5 GOVERNMENT INTERFERENCE BY THE FIRST AMENDMENT TO THE UNITED  
6 STATES CONSTITUTION OR SECTION 10 OF ARTICLE II OF THE STATE  
7 CONSTITUTION, UNLESS THE SUBDIVISION, AGENCY, DEPARTMENT, OR  
8 BOARD DEMONSTRATES BY CLEAR AND CONVINCING EVIDENCE THAT THE  
9 HEALTH-CARE PROVIDER'S SPEECH, EXPRESSION, OR ASSOCIATION WAS THE  
10 DIRECT CAUSE OF PHYSICAL HARM TO AN INDIVIDUAL WITH WHOM THE  
11 HEALTH-CARE PROVIDER HAD A PRACTITIONER-PATIENT RELATIONSHIP  
12 WITHIN THE THREE YEARS IMMEDIATELY PRECEDING THE INCIDENT OF  
13 PHYSICAL HARM.

14 (2) **State protection from specialty board free speech**  
15 **violations.** A STATE SUBDIVISION, AGENCY, DEPARTMENT, OR BOARD  
16 SHALL NOT CONTRACT WITH, RECOGNIZE, APPROVE, OR REQUIRE AN  
17 INDIVIDUAL TO OBTAIN CERTIFICATIONS OR CREDENTIALS ISSUED OR  
18 APPROVED BY A SPECIALTY BOARD OR OTHER RECOGNIZING AGENCY THAT  
19 REVOKES THE CERTIFICATION OF OR REFUSES TO ISSUE CERTIFICATION TO  
20 AN INDIVIDUAL BECAUSE THE INDIVIDUAL HAS ENGAGED IN FREE SPEECH,  
21 EXPRESSION, OR ASSOCIATION THAT IS PROTECTED FROM GOVERNMENT  
22 INTERFERENCE BY THE FIRST AMENDMENT TO THE UNITED STATES  
23 CONSTITUTION OR SECTION 10 OF ARTICLE II OF THE STATE CONSTITUTION,  
24 WHERE THE INDIVIDUAL'S ENGAGEMENT IN FREE SPEECH WAS NOT IN THE  
25 CONTEXT OF PROVIDING MEDICAL ADVICE OR TREATMENT TO A SPECIFIC  
26 PATIENT.

27 (3) **Notice of speech-based complaints.** (a) A STATE

1 SUBDIVISION, AGENCY, DEPARTMENT, OR BOARD THAT REGULATES THE  
2 PROVISION OF MEDICAL TREATMENTS, PROCEDURES, OR SERVICES, OR A  
3 SPECIALITY DEPARTMENT OR BOARD APPROVED OR RECOGNIZED BY ANY  
4 STATE SUBDIVISION, SHALL GIVE TO A HEALTH-CARE PROVIDER, WITHIN  
5 TWENTY-ONE DAYS AFTER RECEIPT, ANY COMPLAINTS RECEIVED  
6 CONCERNING THE HEALTH-CARE PROVIDER THAT:

7 (I) ARE BASED ON SPEECH, EXPRESSION, OR ASSOCIATION THAT IS  
8 PROTECTED FROM GOVERNMENT INTERFERENCE BY THE FIRST AMENDMENT  
9 TO THE UNITED STATES CONSTITUTION OR SECTION 10 OF ARTICLE II OF  
10 THE STATE CONSTITUTION; AND

11 (II) MAY RESULT IN THE REVOCATION OF A LICENSE,  
12 CERTIFICATION, OR REGISTRATION.

13 (b) THE STATE SUBDIVISION, AGENCY, DEPARTMENT, OR BOARD,  
14 OR SPECIALITY DEPARTMENT OR BOARD, SHALL PAY TO THE HEALTH-CARE  
15 PROVIDER AN ADMINISTRATIVE PENALTY OF FIVE HUNDRED DOLLARS FOR  
16 EACH DAY IN WHICH A COMPLAINT IS NOT GIVEN TO THE HEALTH-CARE  
17 PROVIDER AFTER THE TWENTY-ONE-DAY DEADLINE SET FORTH IN  
18 SUBSECTION (3)(a) OF THIS SECTION.

19 **25-60-107. Civil remedies. (1) Civil action for a violation of**  
20 **right of conscience. (a) ANY PARTY AGGRIEVED BY A VIOLATION OF THIS**  
21 **ARTICLE 60, UPON LEARNING OF THE VIOLATION, MAY COMMENCE A CIVIL**  
22 **ACTION AND, UPON THE FINDING OF A VIOLATION, IS ENTITLED TO:**

23 (I) INJUNCTIVE AND DECLARATORY RELIEF; AND

24 (II) MONETARY DAMAGES, ALONG WITH COSTS TO BRING THE  
25 ACTION AND REASONABLE ATTORNEY FEES.

26 (b) DAMAGES SOUGHT OR AWARDED PURSUANT TO SUBSECTION  
27 (1)(a)(II) OF THIS SECTION ARE CUMULATIVE AND NOT LIMITED BY ANY

1 OTHER REMEDIES AVAILABLE UNDER ANOTHER FEDERAL, STATE, OR  
2 MUNICIPAL LAW.

3 (2) ADDITIONAL BURDEN OR EXPENSE ON ANOTHER HEALTH-CARE  
4 PROVIDER ARISING FROM THE EXERCISE OF THE RIGHT OF CONSCIENCE  
5 PROTECTED UNDER THIS ARTICLE 60 IS NOT A DEFENSE TO A VIOLATION OF  
6 THIS ARTICLE 60.

7 (3) A CIVIL ACTION SHALL NOT BE BROUGHT AGAINST AN  
8 INDIVIDUAL WHO DECLINES TO USE OR PURCHASE A MEDICAL PROCEDURE,  
9 TREATMENT, OR SERVICE FROM A SPECIFIC HEALTH-CARE PROVIDER BASED  
10 ON THE HEALTH-CARE PROVIDER EXERCISING THE HEALTH-CARE  
11 PROVIDER'S RIGHT OF CONSCIENCE GRANTED UNDER THIS ARTICLE 60.

12 **25-60-108. Severability.** IF ANY PROVISION OF THIS ARTICLE 60 OR  
13 THE APPLICATION OF THIS ARTICLE 60 TO ANY PERSON OR CIRCUMSTANCE  
14 IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR  
15 APPLICATIONS OF THIS ARTICLE 60 THAT CAN BE GIVEN EFFECT WITHOUT  
16 THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE  
17 PROVISIONS OF THIS ARTICLE 60 ARE DECLARED TO BE SEVERABLE.

18 **SECTION 2. Act subject to petition - effective date -**  
19 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
20 the expiration of the ninety-day period after final adjournment of the  
21 general assembly; except that, if a referendum petition is filed pursuant  
22 to section 1 (3) of article V of the state constitution against this act or an  
23 item, section, or part of this act within such period, then the act, item,  
24 section, or part will not take effect unless approved by the people at the  
25 general election to be held in November 2026 and, in such case, will take  
26 effect on the date of the official declaration of the vote thereon by the  
27 governor.

- 1           (2) This act applies to conduct occurring on or after the applicable
- 2   effective date of this act.