

CARDOZO LAW

BENJAMIN N. CARDOZO SCHOOL OF LAW • YESHIVA UNIVERSITY

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Summary of Religious Freedom Legislation and Law Across the United States February 2, 2015

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A. Pending RFRA Bills

1. Introduced Religious Freedom Legislation

- GA** Preventing Government Overreach on Religious Expression Act (H.B. 29)
- HI** Freedom of Religion; Rights (H.B. 1160)
- IN** Religious Freedom Restoration Act (H.B. 568 & S.B. 1632)
- MI** Religious Freedom Restoration Act (S.B. 0004)
- UT** Religious Freedom Restoration Act (H. R. 5) - constitutional amendment
- WY** Religious Freedom Restoration Act (H.B. 0083)

2. Bills Introduced to Increase Enacted State RFRA Protection

- MO** Student Freedom of Association Act (H.B. 104)
- OK** Oklahoma Religious Freedom Restoration Act (S.B. 440)
- TX** replace “substantial burden” with “any burden” and make the RFRA a state constitutional amendment, not a statute as it currently is. (HJR 55 and SJR 10)

B. Bills Intended to Aid Discrimination Against LGBTQ Without Consequences

1. Religious Exemptions for Govt Workers Performing/Providing Licenses to Same-sex Marriages

- NC** allow magistrates and employees of county registers of deeds offices to refuse to perform marriages or issue licenses due to religious objections (S.B. 2)
- OK** deleting issuance of marriage licenses; providing for marriage certificates and affidavits of common law marriage (H.B. 1125)
- SC** No person employed by a judge of probate or clerk of court shall be required to take any action related to the issuance of a marriage license to a same sex couple if the objection to taking such action is based upon a sincerely held religious belief, to provide that there will be no liability for damages arising from such refusal, to prohibit dismissal, suspension, demotion, discipline or discrimination by the judge of probate or the clerk of court against the employee for such refusal, and to provide for a civil action for damages or reinstatement of employment, or both, where employment has been altered or terminated in violation of section. (S.116)
- UT** right to refuse to solemnize a marriage if it violates a person’s sincerely held religious beliefs

- VA** Amends State Constitution; Provides that a person shall not be required to perform, assist, consent to, or participate in any action or refrain from performing, assisting, consenting to, or participating in any action as a condition of obtaining or renewing a government-issued license, registration, or certificate where such condition would violate the religious or moral convictions of such person with respect to same-sex marriage or homosexual behavior (H.B. 1414)
- WY** religious officials shall not be required to perform a marriage ceremony (H.B. 0026)

2. Religious Exemption in State and Local Contracts Intended to Permit Discrimination by Contractors Against LGBTQ

- IN** Religious Exemption in State and Local Contracts (S.B. 127)
- VA** prevent any public entity from requiring its contractors to abide by non-discrimination policies that are more inclusive than the state law (H.B. 1409)

3. Exemption for Religious Student Groups in Public Schools from Being Bound by Anti-discrimination Policies (Particularly those Protecting LGBTQ)

- CO** prohibit public institutions of higher education from denying a religious student group a benefit solely based on the group's requirement that its leaders adhere to religious beliefs or a standard of conduct (H.B. 1037)
- MS** prohibit a state higher education institution from refusing to grant recognition to a religious student organization on the basis of the religious content of the group's speech or from conducting internal affairs (H.B. 858)
- MO** prohibit institutions of higher education from denying benefits or discriminating against religious student associations from requiring leaders to adhere to the association's beliefs or comply with standards of conduct (H.B. 104 & S.B. 248)

4. Banning Taxpayer Funds for Support of Same-Sex Marriage

- SC** prohibit the use of taxpayer funds or government salaries for paying for an activity that includes licensing or support of same-sex marriage (H.N. 3032)
- TX** prohibit taxpayer funds from being used to license or support same-sex marriage (H.B. 623)

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B. States with Enacted Religious Freedom Restoration Act Laws

AL

AZ

CT

FL

ID

IL

KS

KY

LA

MS

MO

NM

OK

PA

RI

SC

TN

TX

VA

C. States with Enacted Religious Land Use Laws

UT