

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 376

Representatives Derickson, Patmon

**Cosponsors: Representatives Henne, Smith, Hottinger, Grossman, Lynch,
Amstutz, Hood, Huffman, Boose, McClain, Becker, Hayes, Burkley,
Retherford, Young, Beck, Sears, Romanchuk, Barnes, Johnson, Stautberg,
Sprague, Conditt, Hall, Scherer, Mallory, Adams, J., Brenner, Terhar, Buchy,
Adams, R., Maag, Ruhl, Blessing, Green, Rosenberger, Thompson, Milkovich,
Roegner, Hagan, C., Wachtmann, Hill, Blair**

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A B I L L

To enact sections 9.69, 9.691, and 9.692 of the 1
Revised Code to enact the Ohio Religious Freedom 2
Restoration Act. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 9.69, 9.691, and 9.692 of the 4
Revised Code be enacted to read as follows: 5

Sec. 9.69. Sections 9.69 to 9.692 of the Revised Code shall 6
be known and may be cited as the Ohio Religious Freedom 7
Restoration Act. 8

Sec. 9.691. As used in sections 9.691 and 9.692 of the 9
Revised Code: 10

(A) "Burden" means any action that directly or indirectly 11
constrains, inhibits, curtails, or denies the exercise of religion 12
by any person or compels any action contrary to a person's 13

exercise of religion. "Burden" includes, but is not limited to, 14
withholding benefits, assessing criminal, civil, or administrative 15
penalties, or exclusion from governmental programs or access to 16
governmental facilities. 17

(B) "Compelling governmental interest" means a governmental 18
interest of the highest magnitude that cannot otherwise be 19
achieved without burdening the exercise of religion. 20

(C) "Exercise of religion" means the practice or observance 21
of religion. "Exercise of religion" includes, but is not limited 22
to, the ability to act or the refusal to act in a manner that is 23
substantially motivated by one's sincerely held religious belief, 24
whether or not the exercise is compulsory or central to a larger 25
system of religious belief. 26

(D) "State action" means the implementation or application of 27
any law, including, but not limited to, state and local laws, 28
ordinances, rules, regulations, and policies, whether statutory or 29
otherwise, or any other action by the state, a political 30
subdivision of the state, an instrumentality of the state or 31
political subdivision of the state, or a public official that is 32
authorized by law in the state. 33

Sec. 9.692. (A) State action or an action by any person based 34
on state action shall not burden a person's right to exercise of 35
religion, even if the burden results from a rule of general 36
applicability, unless it is demonstrated that applying the burden 37
to that person's exercise of religion in that particular instance 38
is both of the following: 39

(1) Essential to further a compelling governmental interest; 40

(2) The least restrictive means of furthering that compelling 41
governmental interest. 42

(B) A person whose exercise of religion has been burdened or 43

is likely to be burdened in violation of this section may assert 44
that violation or impending violation as a claim or defense in a 45
judicial proceeding, regardless of whether the state or a 46
political subdivision of the state is a party to the proceeding. 47
The person asserting that claim or defense may obtain appropriate 48
relief, including relief against the state or a political 49
subdivision of the state. Appropriate relief includes, but is not 50
limited to, injunctive relief, declaratory relief, compensatory 51
damages, and the recovery of costs and reasonable attorney's fees. 52