Whereas, the Preamble to the proposed amendments to the United States Constitution, which became
the Bill of Rights, sent by Congress for consideration by the States, signed by Frederick Muhlenberg,
Speaker of the House of Representatives, and John Adams, Vice-President and President of the Senate,
and attested to by John Beckley, Clerk of the House of Representatives, and Samuel Otis, Secretary of
the Senate, provides that "[t]he Conventions of a number of the States, having at the time of their
adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers,
that further declaratory and restrictive clauses should be added: And as extending the ground of public
confidence in the Government, will best ensure the beneficent ends of its institution"; and
Whereas, the Free Exercise and Establishment Clauses of the First Amendment were proposed in
order to protect the rights of individual conscience and religious denominations from coercion by federal
authorities; and
Whereas, protection of rights of conscience was, in eighteenth-century terms, synonymous with
religious freedom; and
Whereas, the wording of initial versions of what became the First Amendment as reported in
congressional debates expressly affirmed the protection of rights of conscience; and
Whereas, on August 24, 1789, the House of Representatives under the leadership of James Madison
voted to send the following proposed amendment to the Constitution: "Congress shall make no law
establishing religion, or to prevent the free exercise thereof, or to infringe the rights of conscience"; and
Whereas, the omission of direct words affirming the protection of conscience in the final version of
the First Amendment is consistent with the purpose of protecting rights of individual conscience as a
legislative goal, as the Annals of Congress noted Congressman Daniel Carroll as stating: "As the rights
of conscience are, in their nature, of peculiar delicacy, and will little bear the gentlest touch of the
governmental hand . . . [h]e would not contend with gentlemen about the phraseology, his object was to
secure the substance in such a manner as to satisfy the wishes of the honest part of the community"; and
Whereas, the public record and statements of members of the First Congress who supported the First
Amendment affirm that they sought to protect freedom of conscience from federal interference; and
Whereas, the Virginia Statute for Religious Freedom was a legislative precursor to the First
Amendment, and the statements and words of the Virginians most responsible for the statute, Thomas
Jefferson and James Madison, demonstrate that protection of the rights of conscience was intended with
its passage; and
Whereas, the Virginia Statute for Religious Freedom provides "that no man shall be . . . molested, or
burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief,
but that all men shall be free . . . in matters of Religion, and that the same shall in no wise diminish,
enlarge or affect their civil capacities"; and
Whereas, the Virginia Statute for Religious Freedom declares that "the rights hereby asserted, are of
the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to
narrow its operation, such act will be an infringement of natural right"; and
Whereas, the Supreme Court of the United States in Everson v. Board of Ed. of Ewing, 330 U.S. 1,
67 S. Ct. 504, 91 L. Ed. 711 (1947), expressly referenced the Virginia Statute for Religious Freedom
and affirmed the judicial finding that "[t]his Court has previously recognized that the provisions of the
First Amendment, in the drafting and adoption of which Madison and Jefferson played such leading
roles, had the same objective and were intended to provide the same protection against the governmental
intrusion on religious liberty as the Virginia statute"; and
Whereas, the First Congress, which included members of the 1787 Constitutional Convention, in
addition to proposing the First Amendment, also reenacted in 1789 the Northwest Ordinance passed by
the Continental Congress in 1787 for the governance of territories, which provided, "No person,
demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of
worship, or religious sentiments, in the said territory" and "Religion, morality, and knowledge being
necessary to good government and the happiness of mankind; and
Whereas, paragraph 3 of Article VI of the United States Constitution, which provides for the taking
of oaths or affirmation of office and the ban on religious tests as a precondition for holding federal
office, was enacted, in part, to ensure that citizens did not need to abandon their faith or right of
conscience to become public servants; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. A person seeking to obtain or renew a license, registration, or certificate from the
Commonwealth, its political subdivisions, or any agency, authority, board, department, or other entity
thereof, 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 the 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.