

State of Minnesota

H. F. No. **2422**

(ii) entitlement or benefit under a state benefit program from or to a religious organization;  
or  
(iii) license, certification, accreditation, recognition, or other similar benefit, position,  
or status from or to a religious organization.

(c) "Religious service" means a meeting, gathering, or assembly of two or more persons  
organized by a religious organization for the purpose of worship, teaching, training, providing  
educational services, or conducting religious rituals involving exercising the right to practice  
religion.

**Subd. 2. Prohibitions on limiting religious organizations.** (a) The commissioner of  
health and local health boards shall not prohibit or limit a religious organization from  
continuing to operate or engage in religious services during a disaster emergency under  
chapter 12.

(b) This section does not prevent the commissioner of health or local health boards from  
requiring religious organizations to comply with neutral health, safety, or occupancy  
requirements issued under state or federal law that are applicable to all organizations and  
businesses.

(c) The commissioner of health or local health boards shall not enforce a health, safety,  
or occupancy requirement under paragraph (b) that imposes a substantial burden on a  
religious organization unless the commissioner of health or local health board demonstrates  
that applying the requirement to the religious organization is essential to further a compelling  
health or safety interest and is the least restrictive means of furthering the compelling health  
or safety interest.

(d) The commissioner of health or local health boards shall not take discriminatory action  
under this section against a religious organization wholly or partially on the basis that the  
religious organization:

- (1) is religious;
- (2) operates or seeks to operate during a disaster emergency under chapter 12; or
- (3) exercises the right to practice religion protected by the United States Constitution  
and the Minnesota Constitution.

**Subd. 3. Claim.** (a) A religious organization may assert a violation of this section as a  
claim against the commissioner of health or local health board in a judicial or administrative  
proceeding or as a defense in a judicial or administrative proceeding.

(b) An action under this section may be commenced and relief may be granted in a judicial proceeding without regard to whether the religious organization commencing the action has sought or exhausted all administrative remedies.

(c) A religious organization that successfully asserts a claim or defense under this section may recover:

(1) declaratory relief;

(2) injunctive relief to prevent or remedy a violation or the effect of a violation of this section;

(3) compensatory damages for pecuniary and nonpecuniary losses;

(4) reasonable attorney fees and costs; and

(5) any other appropriate relief.

(d) A religious organization shall bring an action to assert a claim under this section no later than two years after the date the religious organization knew or should have known that a discriminatory action or other violation of this section was taken against the religious organization.

**Subd. 4. Government immunity waived.** Sovereign, governmental, and qualified immunities to suit and from liability are waived and abolished to the extent allowed under law.

**Subd. 5. Construction.** This section shall be construed in favor of a broad protection of the free exercise of religion. The protection of the free exercise of religion afforded under this section is in addition to the protections provided under federal law, state law, the United States Constitution, and the Minnesota Constitution.

**Subd. 6. Interpretation; application of law.** (a) This section does not preempt or repeal any state or local law that is equally or more protective of the free exercise of religion. This section does not narrow the meaning or application of any state or local law protecting the free exercise of religion.

(b) This section applies to and in cases of conflict supersedes any statute that infringes upon the free exercise of religion protected by this section, unless a conflicting statute is expressly made exempt from the application of this section.

(c) This section applies to and in cases of conflict supersedes any ordinance, rule, regulation, order, opinion, decision, practice, or other exercise of the governor's authority that infringes upon the free exercise of religion protected under this section.

- 4.1        Subd. 7. **Severability.** If any provision or application of this section is held to be
- 4.2        unconstitutional, the remainder of this section shall remain effective notwithstanding the
- 4.3        provision or provisions held to be unconstitutional.