

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 2158

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DATE	D-PG	OFFICIAL STATUS
05/08/2015	3440	Introduction and first reading Referred to Judiciary

A bill for an act

relating to human rights; providing an exemption from human rights provisions to certain persons if the provision would violate sincerely held religious beliefs; proposing coding for new law in Minnesota Statutes, chapter 363A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[363A.261] FREEDOM OF CONSCIENCE.**

Subdivision 1. **Religious entities.** (a) No religious association, religious corporation, religious society, religious or denominational educational institution, or other entity supervised or controlled by or in connection with those entities, or individual acting in the scope of employment for the religious entity, or clergy or minister, shall be required to provide services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, or celebration of any marriage, or treat any marriage as valid for any purpose, if that action would cause the entity or individual to violate a sincerely held religious belief that marriage is only the union of one man and one woman.

(b) Paragraph (a) applies to employees, agents, and volunteers acting within the capacity of their employment or responsibilities with a religious association, religious corporation, religious society, religious or denominational educational institution, or other entity supervised or controlled by or in connection with those entities.

(c) Paragraph (a) does not permit a religiously affiliated organization engaged in the provision of health care, or its employees, to refuse to treat a marriage recognized as valid in this state for the purpose of a spouse's right to visitation or to make a health care decision on behalf of a spouse.

Subd. 2. **Private protections.** (a) No individual, sole proprietorship, or small business shall be required to provide services, accommodations, facilities, goods, or

2.1 privileges that assist or promote the solemnization, formation, or celebration of any
2.2 marriage, or that directly facilitate the development or perpetuation of any marriage, such
2.3 as counseling or similar services, if that action would cause the individual or business to
2.4 violate a sincerely held belief regarding whether marriage is only the union of one man
2.5 and one woman.

2.6 (b) For purposes of this subdivision, "small business" means a legal entity other
2.7 than a natural person:

2.8 (1) that provides services that are primarily performed by an owner of the business; or

2.9 (2) that has 20 or fewer employees.

2.10 (c) Paragraph (a) does not apply if a party to the marriage is unable to obtain similar
2.11 goods or services, or rental housing elsewhere, without substantial hardship. "Substantial
2.12 hardship" means that:

2.13 (1) there is no individual or business within 30 miles of the location of the
2.14 solemnization or celebration of the marriage able to provide the desired goods or services
2.15 and both parties would incur a substantial increase in the cost by procuring similar goods
2.16 or services from an individual or business located more than 30 miles from that location; or

2.17 (2) there is no other individual or business able to provide the desired goods or
2.18 services within the time frame needed for the solemnization or celebration of the marriage.

2.19 Subd. 3. **Government entities.** No governmental employee or official shall be
2.20 required to provide services that assist or promote the solemnization, formation, or
2.21 celebration of any marriage if that action would cause the employee or official to violate a
2.22 sincerely held belief that marriage is only the union of one man and one woman, unless
2.23 another employee or official is not promptly available and willing to provide the requested
2.24 governmental service without inconvenience or delay.

2.25 Subd. 4. **Immunity.** No refusal to provide services, accommodations, facilities,
2.26 goods, or privileges protected by this section shall result in a civil or criminal cause of
2.27 action or complaint, including an action or proceeding under this chapter, or any action by
2.28 the state or a political subdivision to penalize or withhold benefits or privileges, including
2.29 tax exemptions or governmental contracts, grants, or licenses, from any protected person
2.30 or organization.

2.31 Subd. 5. **Liberal construction.** The accommodations in this section further the
2.32 compelling governmental interest of protecting the rights of conscience and the free
2.33 exercise of religion and must be liberally construed to provide the utmost protection
2.34 for those liberties.