

Effective 5/12/2015

Part 2

Government Entities Prohibited from Certain Burdens on Religious Beliefs

63G-20-201 Provisions governing solemnizing or recognizing a marriage -- Prohibition against employment actions.

Notwithstanding any other provision of law, a state or local government or a state or local government official may not:

- (1) require a religious official, when acting as such, or religious organization to solemnize or recognize for ecclesiastical purposes a marriage that is contrary to that religious official's or religious organization's religious beliefs;
- (2) if the religious official or religious organization is authorized to solemnize a marriage by Section 30-1-6, deny a religious official, when acting as such, or religious organization the authority to legally solemnize a legal marriage based on the religious official's or religious organization's refusal to solemnize any legal marriage that is contrary to the religious official's or religious organization's religious beliefs;
- (3) require a religious official, when acting as such, or religious organization to provide goods, accommodations, advantages, privileges, services, facilities, or grounds for activities connected with the solemnization or celebration of a marriage that is contrary to that religious official's or religious organization's religious beliefs; or
- (4) require a religious official, when acting as such, or religious organization to promote marriage through religious programs, counseling, courses, or retreats in a way that is contrary to that religious official's or religious organization's religious beliefs.

Enacted by Chapter 46, 2015 General Session

63G-20-202 Prohibition on government retaliation.

Notwithstanding any other law, a state or local government or a state or local government official may not engage in government retaliation against an individual, a religious official when acting as such, or a religious organization for exercising the protections contained in Section 17-20-4, 63G-20-201, or 63G-20-301.

Enacted by Chapter 46, 2015 General Session

63G-20-203 Prohibition on licensing disadvantages based on beliefs.

Notwithstanding any other law, a state or local government, a state or local government official, or another accrediting, certifying, or licensing body may not:

- (1) deny, revoke, or suspend a licensee's professional or business license based on that licensee's beliefs or the licensee's lawful expressions of those beliefs in a nonprofessional setting, including the licensee's religious beliefs regarding marriage, family, or sexuality; or
- (2) penalize, discipline, censure, disadvantage, discriminate against, or retaliate against a licensee who holds a professional or business license based on that licensee's beliefs or lawful expressions of those beliefs in a nonprofessional setting, including the licensee's religious beliefs regarding marriage, family, or sexuality.

Enacted by Chapter 46, 2015 General Session

63G-20-204 Remedies -- Attorney fees and costs.

- (1)
- (a) A person aggrieved by a violation of this part may:
 - (i) seek injunctive or other civil relief to require a state or local government or a state or local government official to comply with the requirements of this part; or
 - (ii) seek removal of the local government official for malfeasance in office according to the procedures and requirements of Title 77, Chapter 6, Removal by Judicial Proceedings.
 - (b) The court may award reasonable attorney fees and costs to the prevailing party.
- (2)
- (a) A person aggrieved by a violation of this part may bring a civil action in district court.
 - (b) If the plaintiff establishes one or more violations of this part by a preponderance of the evidence, the court:
 - (i) shall grant the plaintiff appropriate legal or equitable relief; and
 - (ii) may award reasonable attorney fees and costs to the prevailing party.

Enacted by Chapter 46, 2015 General Session