

CHAPTER 1003

EXERCISE OF RELIGION — GOVERNMENTAL ACTION RESTRICTED — CAUSE OF ACTION

S.F. 2095

AN ACT relating to the exercise of religion, and including effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. [Section 331.301, subsection 1](#), Code 2024, is amended to read as follows:

1. A county may, except as expressly limited by the Constitution of the State of Iowa, and if not inconsistent with the laws of the general assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents. This grant of home rule powers does not include the power to enact private or civil law governing civil relationships, except as incident to an exercise of an independent county power, or to enact private or civil law which violates [section 675.4](#).

Sec. 2. [Section 364.1](#), Code 2024, is amended to read as follows:

364.1 Scope.

A city may, except as expressly limited by the Constitution of the State of Iowa, and if not inconsistent with the laws of the general assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the city or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents. This grant of home rule powers does not include the power to enact private or civil law governing civil relationships, except as incident to an exercise of an independent city power, or to enact private or civil law which violates [section 675.4](#).

Sec. 3. NEW SECTION. **675.1 Short title.**

[This chapter](#) shall be known and may be cited as the “*Religious Freedom Restoration Act*”.

Sec. 4. NEW SECTION. **675.2 Legislative purpose and intent.**

The purpose and intent of [this chapter](#) is all of the following:

1. To restore the compelling governmental interest test and to guarantee its application in all cases where the free exercise of religion is substantially burdened by state action.
2. To provide a claim or defense to a person whose exercise of religion is substantially burdened by state action.

Sec. 5. NEW SECTION. **675.3 Definitions.**

As used in [this chapter](#), unless the context otherwise requires:

1. “*Compelling governmental interest*” means a governmental interest of the highest order that cannot otherwise be achieved without burdening the exercise of religion.
2. “*Exercise of religion*” means the practice or observance of religion. “*Exercise of religion*” includes but is not limited to the ability to act or refuse to act in a manner substantially motivated by one’s sincerely held religious belief, whether or not the exercise is compulsory or central to a larger system of religious belief.
3. “*Person*” means any individual, association, partnership, corporation, church, religious institution, estate, trust, foundation, or other legal entity.
4. “*State action*” means the implementation or application of any law, including but not limited to state and local laws, ordinances, rules, regulations, and policies, whether statutory or otherwise, or other action by the state or a political subdivision, including a local government, municipality, instrumentality, or public official authorized by law.
5. “*Substantially burden*” means any action that directly or indirectly constrains, inhibits, curtails, or denies the exercise of religion by any person or compels any action contrary to a person’s exercise of religion and includes but is not limited to withholding of benefits;

assessment of criminal, civil, or administrative penalties; or exclusion from governmental programs or access to governmental facilities.

Sec. 6. NEW SECTION. **675.4 Free exercise of religion protected.**

1. State action shall not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, unless the government demonstrates that applying the burden to that person's exercise of religion is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

2. A person whose exercise of religion has been substantially burdened in violation of [this chapter](#) may assert such violation as a claim or defense in a judicial or administrative proceeding and obtain appropriate relief, including damages, injunctive relief, or other appropriate redress. Standing to assert a claim or defense under [this chapter](#) shall be governed by the general rules of standing under state and federal law. The plaintiff, if the prevailing party, may also recover reasonable attorney fees and costs.

Sec. 7. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 8. **APPLICABILITY.** This Act applies to all state and local laws and the implementation of state and local laws, whether statutory or otherwise, and whether adopted before, on, or after the effective date of this Act.

Approved April 2, 2024