

Senate File 2170 - Introduced

SENATE FILE 2170

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A BILL FOR

1 An Act prohibiting the burdening of a person's free exercise of
2 religion.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 27D.1 Free exercise of religion —
2 government burdening prohibited.

3 1. Notwithstanding any other provision of law, a state
4 agency, political subdivision, or any elected or appointed
5 official or employee of this state or its political
6 subdivisions shall not do any of the following:

7 a. Treat religious conduct more restrictively than
8 comparable secular conduct because of alleged economic need or
9 benefit.

10 b. Treat religious conduct more restrictively than any
11 secular conduct of reasonably comparable risk.

12 c. Substantially burden a person's exercise of religion
13 unless applying the burden to that person's exercise of
14 religion in a particular situation is essential to further a
15 compelling governmental interest and is the least restrictive
16 means of furthering that compelling government interest.

17 2. Any person whose exercise of religion has been burdened
18 in violation of this chapter may file an action for damages,
19 injunctive relief, or other appropriate redress, or may assert
20 such violation as a defense in a judicial or administrative
21 proceeding. The plaintiff, if the prevailing party, may also
22 recover reasonable attorney fees and costs.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill prohibits a governmental entity from burdening
27 a person's free exercise of religion. The bill prohibits
28 governmental entities from treating religious conduct more
29 restrictively than any secular conduct of reasonably comparable
30 risk or treating religious conduct more restrictively than
31 comparable secular conduct because of alleged economic need or
32 benefit. The bill provides that a governmental entity shall
33 not substantially burden a person's free exercise of religion
34 unless the governmental entity can demonstrate that the action
35 constituting or resulting in the burden is in furtherance of a

1 compelling governmental interest and is the least restrictive
2 means of furthering that interest.

3 The bill provides that a person whose free exercise of
4 religion has been burdened in violation of the bill may
5 assert that violation as a claim or defense in a judicial or
6 administrative proceeding, and provides that the governmental
7 entity may be liable for actual damages, attorney fees, costs,
8 and other appropriate remedies. The bill also allows the
9 person to obtain injunctive relief against the governmental
10 entity.