

**House File 2454 - Introduced**

HOUSE FILE 2454  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 614)

(COMPANION TO SF 2095 BY  
SCHULTZ)

**A BILL FOR**

1 An Act relating to the exercise of religion, and including  
2 effective date and applicability provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.301, subsection 1, Code 2024, is  
2 amended to read as follows:

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

15 Sec. 2. Section 364.1, Code 2024, is amended to read as  
16 follows:

17 **364.1 Scope.**

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

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

30 This chapter shall be known and may be cited as the  
31 "*Religious Freedom Restoration Act*".

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

33 The purpose and intent of this chapter is all of the  
34 following:

35 1. To restore the compelling governmental interest test

1 and to guarantee its application in all cases where the free  
2 exercise of religion is substantially burdened by state action.

3 2. To provide a claim or defense to a person whose exercise  
4 of religion is substantially burdened by state action.

5 Sec. 5. NEW SECTION. 675.3 Definitions.

6 As used in this chapter, unless the context otherwise  
7 requires:

8 1. "*Compelling governmental interest*" means a governmental  
9 interest of the highest order that cannot otherwise be achieved  
10 without burdening the exercise of religion.

11 2. "*Exercise of religion*" means the practice or observance  
12 of religion. "*Exercise of religion*" includes but is not  
13 limited to the ability to act or refuse to act in a manner  
14 substantially motivated by one's sincerely held religious  
15 belief, whether or not the exercise is compulsory or central to  
16 a larger system of religious belief.

17 3. "*Person*" means any individual, association, partnership,  
18 corporation, church, religious institution, estate, trust,  
19 foundation, or other legal entity.

20 4. "*State action*" means the implementation or application  
21 of any law, including but not limited to state and local laws,  
22 ordinances, rules, regulations, and policies, whether statutory  
23 or otherwise, or other action by the state or a political  
24 subdivision, including a local government, municipality,  
25 instrumentality, or public official authorized by law.

26 5. "*Substantially burden*" means any action that directly  
27 or indirectly constrains, inhibits, curtails, or denies the  
28 exercise of religion by any person or compels any action  
29 contrary to a person's exercise of religion and includes but  
30 is not limited to withholding of benefits; assessment of  
31 criminal, civil, or administrative penalties; or exclusion from  
32 governmental programs or access to governmental facilities.

33 Sec. 6. NEW SECTION. 675.4 Free exercise of religion  
34 protected.

35 1. State action shall not substantially burden a person's

1 exercise of religion, even if the burden results from a rule  
2 of general applicability, unless the government demonstrates  
3 that applying the burden to that person's exercise of religion  
4 is in furtherance of a compelling governmental interest and  
5 is the least restrictive means of furthering that compelling  
6 governmental interest.

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

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

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

22 EXPLANATION

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

25 This bill prohibits a governmental entity from substantially  
26 burdening a person's free exercise of religion. The bill  
27 prohibits governmental entities from treating religious  
28 conduct more restrictively than any secular conduct of  
29 reasonably comparable risk or treating religious conduct more  
30 restrictively than comparable secular conduct because of  
31 alleged economic need or benefit.

32 Under current law, a court is not required to apply  
33 heightened scrutiny when reviewing a law that burdens a  
34 person's exercise of religion when such law is generally  
35 applicable. The bill provides that a court shall apply the

1 compelling governmental interest test so that the government  
2 cannot substantially burden a person's exercise of religion  
3 unless the government demonstrates that applying the law  
4 of general applicability is in furtherance of a compelling  
5 governmental interest and is the least restrictive means of  
6 furthering that interest. The bill provides that a person  
7 whose exercise of religion has been substantially burdened by  
8 the government may assert such violation as a claim or defense  
9 in a judicial or administrative proceeding, and provides that  
10 the governmental entity may be liable for actual damages,  
11 attorney fees, costs, and other appropriate remedies. The bill  
12 also allows the person to obtain injunctive relief against the  
13 governmental entity.

14 The bill prohibits a county or city from enacting a private  
15 or civil law that would burden a person's free exercise of  
16 religion in violation of the bill.

17 The bill takes effect upon enactment and applies to all state  
18 and local laws.