STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 478 By: Brooks

AS INTRODUCED

An Act relating to marriage; providing short title; prohibiting governmental entities from requiring certain individuals and entities to conduct certain services under certain circumstances; stating certain actions non-applicable to certain refusal of activities; allowing procedure for replacement of services under certain circumstances; prohibiting disciplinery action under certain circumstances; defining term; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7.1 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Protection of Religious Freedom in the Sanctity of Marriage Act of 2015".

B. Notwithstanding any other provision of law, no individual or religious entity shall be required by any governmental entity to do any of the following, if it would be contrary to the sincerely

held religious beliefs of the individual or religious entity regarding sex or gender:

1. Provide any services, accommodations, facilities, goods or privileges related to conducting any marriage, domestic partnership, civil union or similar arrangement;

2. Solemnize any marriage, domestic partnership, civil union or similar arrangement; or

3. Treat any marriage, domestic partnership, civil union or similar arrangement as valid.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7.2 of Title 43, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding any other provision of law, no refusal by an individual or religious entity to engage in any activity described in Section 1 of this act shall result in:

1. A civil claim or cause of action under state or local law based upon such refusal; or

2. An action by any governmental entity to penalize, withhold benefits from, discriminate against or otherwise disadvantage any protected individual or religious entity under any state or local law.

B. If an individual employed by a governmental entity or other nonreligious entity invokes any of the protections provided by Section 1 of this act as a basis for declining to provide a lawful

service that is otherwise consistent with the entity's duties or policies, the individual's employer shall either promptly provide another employee or official to provide such service or shall otherwise ensure that the requested service is provided, if it can be done without undue hardship to the employer.

Any person who has authority to take, direct others to take, recommend or approve any personnel action shall not take any personnel disciplinary action with respect to any employee that invokes the protections of Section 1 of this act.

For purposes of this section, "disciplinary action" means any direct or indirect form of discipline, any dismissal, demotion, transfer, reassignment, suspension, reprimand, admonishment, warning of possible dismissal, reduction in force, reduction in rank, reduction in status or withholding of work.

SECTION 3. This act shall become effective July 1, 2015.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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