

AN ACT relating to the exercise of religious freedom in the solemnization of marriage.

WHEREAS, the Commonwealth of Kentucky recognizes and honors as a cornerstone of liberty the freedom of its citizens to believe and practice their faiths according to the dictates of their own conscience; and

WHEREAS, many Kentuckians have beliefs that speak to the institution of marriage and the persons who may enter into it; and

WHEREAS; forced compliance with values that run counter to sincere religious beliefs and centuries of religious tradition is anathema to many Kentucky citizens and is unnecessary to maintain compliance with federal case law;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 344.130 is amended to read as follows:

As used in this chapter, unless the context requires otherwise, "place of public accommodation, resort, or amusement" includes any place, store, or other establishment, either licensed or unlicensed, which supplies goods or services to the general public or which solicits or accepts the patronage or trade of the general public or which is supported directly or indirectly by government funds, except that:

- (1) A private club is not a "place of public accommodation, resort, or amusement" if its policies are determined by its members and its facilities or services are available only to its members and their bona fide guests;
- (2) "Place of public accommodation, resort, or amusement" does not include a rooming or boarding house containing not more than one (1) room for rent or hire and which is within a building occupied by the proprietor as his residence; and
- (3) "Place of public accommodation, resort, or amusement" does not include a religious organization and its activities and facilities if the application of KRS 344.120 would not be consistent with the religious tenets of the organization, subject to paragraphs

(a), (b), ~~and~~ (c), **and (d)** of this subsection.

- (a) Any organization that teaches or advocates hatred based on race, color, or national origin shall not be considered a religious organization for the purposes of this subsection.
- (b) A religious organization that sponsors nonreligious activities that are operated and governed by the organization, and that are offered to the general public, shall not deny participation by an individual in those activities on the ground of disability, race, color, religion, or national origin.
- (c) A religious organization shall not, under any circumstances, discriminate in its activities or use of its facilities on the ground of disability, race, color, or national origin.

(d) The secular aspects of marriage solemnization and licensing shall not be construed to make marriage solemnization and its celebration a nonreligious activity under this subsection.

➔Section 2. KRS 402.050 is amended to read as follows:

- (1) Marriage shall be solemnized only by:
 - (a) Ministers of the gospel or priests of any denomination in regular communion with any religious society;
 - (b) Justices and judges of the Court of Justice, retired justices and judges of the Court of Justice except those removed for cause or convicted of a felony, county judges/executive, and such justices of the peace and fiscal court commissioners as the Governor or the county judge/executive authorizes; or
 - (c) A religious society that has no officiating minister or priest and whose usage is to solemnize marriage at the usual place of worship and by consent given in the presence of the society, if either party belongs to the society.
- (2) **Nothing in this section or the law of the Commonwealth shall be construed to compel a person to solemnize a marriage to which the person holds a sincere**

religious objection or which is contrary to the person's faith tradition due to the marriage being between persons of the same sex as biologically identified and recorded at birth.

(3) At least two (2) persons, in addition to the parties and the person solemnizing the marriage, shall be present at every marriage.

➔Section 3. KRS 446.350 is amended to read as follows:

(1) Government shall not substantially burden a person's freedom of religion. The right to act or refuse to act in a manner motivated by a sincerely held religious belief may not be substantially burdened unless the government proves by clear and convincing evidence that it has a compelling governmental interest in infringing the specific act or refusal to act and has used the least restrictive means to further that interest. A "burden" shall include indirect burdens such as withholding benefits, assessing penalties, or an exclusion from programs or access to facilities.

(2) Solemnizing a marriage to which a person holds a sincere religious objection or which is contrary to that person's faith tradition due to the marriage being between persons of the same sex as biologically identified and recorded at birth shall be considered a substantial burden for which there is no compelling government interest and that person shall additionally be immune from any civil or criminal liability for declining to solemnize such a marriage.