

1 AN ACT relating to restoring religious liberty.

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

3 ➔Section 1. KRS 446.350 is amended to read as follows:

4 **(1) As used in this section:**

5 **(a) "Government" means the Commonwealth or any of its political**
 6 **subdivisions and includes:**

7 **1. Any administrative organization of the Commonwealth described in**
 8 **KRS 12.020; and**

9 **2. Any person acting under color of state law or suing under or**
 10 **attempting to enforce a law, rule, policy, or administrative regulation**
 11 **adopted by the Commonwealth or any of its political subdivisions; and**

12 **(b) "Substantially burden" means any action that directly or indirectly**
 13 **constrains, inhibits, curtails, or denies the exercise of religion by any person**
 14 **or compels any action contrary to a person's exercise of religion, including**
 15 **but not limited to:**

16 **1. Withholding benefits;**

17 **2. Assessing criminal, civil, or administrative penalties; or**

18 **3. Excluding from governmental programs or access to governmental**
 19 **facilities.**

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

27 **(3) Except as provided in subsection (4) of this section, a person whose religious**

1 exercise has been substantially burdened in violation of this section may assert
2 that violation as a claim or defense in a judicial or administrative proceeding,
3 regardless of whether the Commonwealth or one of its political subdivisions is a
4 party to the proceeding, and obtain appropriate relief, including relief against the
5 Commonwealth or its political subdivisions. Appropriate relief shall include but is
6 not limited to:

7 (a) Injunctive relief;

8 (b) Declaratory relief;

9 (c) Compensatory damages;

10 (d) Costs; and

11 (e) Attorney's fees.

12 (4) The protections afforded under this section shall not apply to an inmate in the
13 custody of a jail or local or state correctional or detention facility.

14 (5) This statute applies to all state and local laws, administrative regulations, and
15 ordinances and the implementation of those laws, administrative regulations, and
16 ordinances, whether statutory or otherwise, and whether adopted before or after
17 the effective date of this Act. State laws enacted after the effective date of this Act
18 are subject to this section unless this statute is explicitly excluded. This section
19 shall not be construed to authorize any government to burden any religious
20 belief.

21 (6) If any provision of this section or the application thereof to any person or
22 circumstance is held invalid, the invalidity shall not affect other provisions or
23 applications of the section that can be given effect without the invalid provision
24 or application, and to this end the provisions of this section are severable.

25 (7) Sovereign, governmental, and qualified immunity are waived to the extent of
26 liability created under this section.