An Act

ENROLLED SENATE
BILL NO. 404

By: Daniels and Jett of the Senate

and

Echols, Lepak, Caldwell (Chad), Boatman, Hill, and West (Kevin) of the House

An Act relating to the Oklahoma Religious Freedom Act; amending 51 O.S. 2021, Sections 253, as last amended by Section 1, Chapter 235, O.S.L. 2022, and 255, as last amended by Section 12, Chapter 321, O.S.L. 2022 (51 O.S. Supp. 2022, Sections 253 and 255), which relate to burden upon free exercise of religion and construction of act; establishing exclusion from certain funds or benefits for certain reasons as substantial burden; removing definition; updating statutory reference; and providing an effective date.

SUBJECT: Oklahoma Religious Freedom Act

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

SECTION 1. AMENDATORY 51 O.S. 2021, Section 253, as last amended by Section 1, Chapter 235, O.S.L. 2022 (51 O.S. Supp. 2022, Section 253), is amended to read as follows:

Section 253. A. Except as provided in subsection B of this section, no governmental entity shall substantially burden a person's free exercise of religion even if the burden results from a rule of general applicability.

B. No governmental entity shall substantially burden a person's free exercise of religion unless it demonstrates that application of the burden to the person is:

1. Essential to further a compelling governmental interest; and

2. The least restrictive means of furthering that compelling governmental interest.

C. No governmental entity as defined pursuant to Section 252 of this title shall declare or deem a religious institution and any activity directly related to the institution's discharge of its mission and purpose to be nonessential. No religious institution shall be subject to a closure or restriction for the purposes of health or security that is greater than that imposed upon any private entity facing the same or similar health or security conditions.

D. It shall be deemed a substantial burden to exclude any person or entity from participation in or receipt of governmental funds, benefits, programs, or exemptions based solely on the religious character or affiliation of the person or entity.

SECTION 2. AMENDATORY 51 O.S. 2021, Section 255, as last amended by Section 12, Chapter 321, O.S.L. 2022 (51 O.S. Supp. 2022, Section 255), is amended to read as follows:

Section 255. A. Nothing in this act shall be construed to:

1. Authorize any government entity to substantially burden any religious belief;

2. Authorize same-sex marriages, unions, or the equivalent thereof; or

3. Affect, interpret, or in any way address those portions of Article I, Section 2 and Article II, Section 5 of the Constitution of the State of Oklahoma, the Oklahoma Religious Freedom Act, or the First Amendment to the Constitution of the United States that prohibit laws respecting the establishment of religion.

B. Granting governmental funds, benefits, or exemptions to the extent permissible under paragraph 3 of subsection A of this section shall not constitute a violation of this section. ~~As used in this subsection, "granting government funds, benefits, or exemptions" shall not include the denial of government funding, benefits, or exemptions.~~ This provision does not in and of itself require vouchers.

C. A civil action brought under Section ~~5 of this act~~ 1-745.55 of Title 63 of the Oklahoma Statutes shall not be subject to any provision of the Oklahoma Religious Freedom Act.

SECTION 3. This act shall become effective November 1, 2023.

Passed the Senate the 7th day of March, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of April, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 26th

day of April, 20 23, at 12:35 o'clock p. M.

By: Jamie Cummings

Approved by the Governor of the State of Oklahoma this 2nd

day of May, 20 23, at 12:03 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 2nd

day of May, 20 23, at 1:19 o'clock p M.

By: Brian Bingman