

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 197, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Silk

Silk-TEK-FS-Req#1571
3/14/2018 9:14 AM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 197

By: Silk and Brecheen

6
7 FLOOR SUBSTITUTE

8 [Oklahoma Business Protection Act - protections from
9 governmental action - codification - effective date]
10

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

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 261 of Title 51, unless there is
14 created a duplication in numbering, reads as follows:

15 This act shall be known and may be cited as the "Oklahoma
16 Business Protection Act".

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 262 of Title 51, unless there is
19 created a duplication in numbering, reads as follows:

20 As used in this act:

21 1. "Customized good" means an item designed specifically for an
22 individual or individuals and not otherwise available in the
23 ordinary course of business; and
24

1 2. "Governmental entity" means any branch, department, agency
2 or instrumentality of state government, or any official or other
3 person acting under color of state law, or any political subdivision
4 of this state.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 263 of Title 51, unless there is
7 created a duplication in numbering, reads as follows:

8 Notwithstanding any other provision of law, no privately-held
9 business, church or recognized religious organization shall be
10 required by any governmental entity to do any of the following, if
11 it would be contrary to the sincerely held religious beliefs or
12 conscience of the business owner, church or organization regarding a
13 marriage ceremony, lifestyle or behavior:

14 1. Provide any customized goods or any specialized services,
15 accommodations or facilities used in a marriage ceremony or
16 celebration of a specific lifestyle or behavior; or

17 2. Provide any customized goods or any specialized services,
18 accommodations or facilities to be used to promote, advertise or
19 advocate for a specific marriage ceremony, lifestyle or behavior.

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 264 of Title 51, unless there is
22 created a duplication in numbering, reads as follows:

23 A. Notwithstanding any other provision of law, no refusal by a
24 privately-held business, church or recognized religious organization

1 to engage in any activity described in Section 3 of this act shall
2 result in:

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

5 2. An action by any governmental entity to penalize, withhold
6 benefits from, discriminate against or otherwise disadvantage any
7 such business, church or organization based upon such refusal under
8 any state or local law.

9 B. Any privately-held business, church or recognized religious
10 organization named in or subject to a civil action, an
11 administrative action or any action by a governmental entity may
12 assert the protections provided in this act as a defense by filing a
13 motion to dismiss such action. If the motion to dismiss is filed in
14 an action before an administrative tribunal, within fifteen (15)
15 days after filing such motion, any party to the action may elect to
16 transfer jurisdiction of the action to a district court with proper
17 venue. Within sixty (60) days after the transfer of jurisdiction,
18 the district court shall issue a ruling as to whether the claimed
19 protection applies. The district court shall not permit any
20 additional discovery or fact-finding prior to making this decision.

21 C. If a governmental entity, or any person asserts a claim or
22 cause of action, or takes any adverse action against a privately-
23 held business, church or recognized religious organization in
24 violation of subsection A of this section, the individual shall be

1 entitled, upon motion, to recover reasonable attorney fees, costs
2 and actual damages such business, church or organization incurred as
3 a result of such violation. Such award shall be reduced to
4 judgment.

5 SECTION 5. This act shall become effective November 1, 2017.

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7 56-1-1571 TEK 3/14/2018 9:14:30 AM

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