

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE
5 BILL NO. 404

 By: Daniels and Jett of the
 Senate

6 and

7 Echols of the House

8
9 An Act relating to the Oklahoma Religious Freedom
10 Act; amending 51 O.S. 2021, Sections 253, as last
11 amended by Section 1, Chapter 235, O.S.L. 2022, and
12 255, as last amended by Section 12, Chapter 321,
13 O.S.L. 2022 (51 O.S. Supp. 2022, Sections 253 and
14 255), which relate to burden upon free exercise of
15 religion and construction of act; establishing
16 exclusion from certain funds or benefits for certain
17 reasons as substantial burden; removing definition;
18 updating statutory reference; and providing an
19 effective date.

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

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

24 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.

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

4 1. Essential to further a compelling governmental interest; and

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

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

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

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

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

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

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

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

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

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

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

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20 COMMITTEE REPORT BY: COMMITTEE ON STATE POWERS, dated 04/05/2023 -
21 DO PASS.
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