

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1761

By: Jett

AS INTRODUCED

An Act relating to the Oklahoma Uniform Building Code; amending 74 O.S. 2021, Section 317.2, which relates to authority of churches to accommodate certain overnight visitors; establishing certain purpose; removing limitation on duration of certain authorized overnight stays; prohibiting certain entity from enforcing certain codes; modifying definitions; updating statutory reference; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2021, Section 317.2, is amended to read as follows:

Section 317.2. A. ~~The~~ To protect the free exercise of religion as guaranteed by the First Amendment to the United States Constitution and Section 2 of Article I of the Oklahoma Constitution, the Oklahoma Uniform Building Code or any building code adopted by any political subdivision of this state, or any rules or regulations promulgated thereto, ~~may~~ shall permit ~~the~~ authority having jurisdiction to allow a church that is occupancy-rated an A3 building pursuant to any codes adopted by the Oklahoma

1 Uniform Building Code Commission to utilize its building space for
2 ~~temporary~~ overnight visitors for the purpose of religious retreats,
3 ministry programs, overnight or lock-in events, emergency or
4 catastrophic occurrences, to shelter transient persons, or to
5 accommodate displaced persons due to hardship or inclement weather.
6 Such use shall constitute a protected exercise of religion and
7 ministry activity and no municipality, political subdivision, or
8 other government entity shall infringe upon, prohibit, or impose
9 additional restrictions that unduly burden a church's prerogative to
10 engage in these activities as part of its constitutionally
11 guaranteed religious freedom. Such building use shall not
12 constitute a change in code occupancy rating, purposes, or
13 activities. ~~Provided, any temporary overnight visitor space~~
14 ~~utilized by a church within its existing buildings as authorized by~~
15 ~~this section shall be authorized only for a limited duration, unless~~
16 ~~the Governor has declared a state of emergency or exigent~~
17 ~~circumstances exist.~~ The church acting pursuant to the provisions
18 of this section shall ~~not charge for its accommodations nor be~~
19 ~~deemed~~ not be construed to authorize any church to operate as a bed
20 and breakfast, hotel, or motel for any code occupancy rating
21 purposes or to charge fees for accommodations in a manner that
22 converts the use to a non-ministry commercial purpose.

23 B. Churches which temporarily accommodate overnight visitors as
24 provided in this section shall have one of the following:

1 1. An automatic sprinkler system in the area of overnight
2 accommodations that is monitored by a third party; or

3 2. A hard-wired stand-alone fire and smoke alarm in the area of
4 overnight accommodations in addition to an exit door or window
5 opening directly to a public way, exit court, or yard area.

6 C. Nothing in the Oklahoma Uniform Building Code or any code
7 adopted by any political subdivision of this state, or any rules or
8 regulations promulgated pursuant thereto, shall be construed to
9 cause a church to be in violation of the Oklahoma Uniform Building
10 Code or any building code adopted by a political subdivision of this
11 state for the sole reason the church offers temporary overnight
12 visitor services within the authority of this section. No
13 government entity shall interpret or enforce any code, rule, or
14 regulation in a manner that infringes on a church's religious
15 exercise or ministry activity protected under this section.

16 D. As used in this section:

17 1. "Church" means a facility that is owned by a religious
18 organization and that is used primarily for religious services; and

19 2. "Religious organization" means any church, ~~seminary,~~
20 ~~synagogue, temple, mosque, religious order, religious corporation,~~
21 ~~association or society, whose identity is distinctive in terms of~~
22 ~~common religious creed, beliefs, doctrines, practices or rituals, of~~
23 ~~any faith or denomination, including any~~ or organization qualifying
24 as a church or religious organization under Section 501(c)(3) or

1 501(d) of the United States Internal Revenue Code, ~~and~~ of 1986, as
2 amended.

3 ~~3. "Temporary" means no more than seventy-five (75) days in a~~
4 ~~calendar year.~~

5 SECTION 2. This act shall become effective November 1, 2026.

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