

1 AN ACT relating to the protection of rights.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 446 IS CREATED TO
4 READ AS FOLLOWS:

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

6 *(a) "Place of public accommodation, resort, or amusement" has the same*
7 *meaning as in KRS 344.130;*

8 *(b) "Protected activities" means actions by people commissioned, employed,*
9 *hired, retained, or otherwise used by the public or the government to*
10 *provide customized, artistic, expressive, creative, ministerial, or spiritual*
11 *goods or services, or judgments, attestations, or other commissions that*
12 *involve protected rights;*

13 *(c) "Protected activity provider" means a person who provides protected*
14 *activities;*

15 *(d) "Protected rights" means the rights of persons to be free from*
16 *governmental actions that impair, impede, infringe upon, or otherwise*
17 *restrict the exercise of any right guaranteed by the United States*
18 *Constitution or the Constitution of Kentucky, including but not limited to a*
19 *person's right of conscience, freedom of religion, freedom of speech,*
20 *freedom of the press, and right to peaceable assembly; and*

21 *(e) "Standard goods or services" means goods or services that are not*
22 *customized, artistic, expressive, creative, ministerial, spiritual, or in any*
23 *other way protected activities.*

24 *(2) It is the intent of the General Assembly:*

25 *(a) To foster, encourage, promote, and protect the exercise of protected rights*
26 *by all persons so that civil rights, privileges, and property shall not be taken*
27 *away or diminished on account of a person's belief or disbelief in any*

- 1 religious tenant, dogma, or teaching;
- 2 **(b) That the government shall not substantially burden a person's freedom of**
- 3 **religion or any other protected rights absent clear and convincing evidence**
- 4 **of a compelling governmental interest furthered by the least restrictive**
- 5 **means;**
- 6 **(c) To recognize that the protected rights of all persons are not finite and must**
- 7 **first be preserved and then expanded equally to all;**
- 8 **(d) To recognize that our country was founded on two (2) self-evident truths:**
- 9 **that all persons are created equal and are endowed by their creator with**
- 10 **certain unalienable rights;**
- 11 **(e) To recognize that the government may not diminish personal and individual**
- 12 **freedoms, or diminish equality;**
- 13 **(f) That the government shall not compel actions, goods, services, judgments,**
- 14 **attestations, or other commissions that conflict with protected rights, and**
- 15 **that these rights in the Commonwealth shall be protected;**
- 16 **(g) To allow persons who provide protected activities to enjoy these guaranteed**
- 17 **freedoms without fear of intrusion, interference, fines, penalties,**
- 18 **retribution, liability, or damages; and**
- 19 **(h) To recognize that government control of, interference with, or the**
- 20 **compelling of actions, goods, services, judgments, attestations, or other**
- 21 **commissions that conflict with a person's protected rights cause irreparable**
- 22 **harm, and the government may be enjoined absent clear and convincing**
- 23 **evidence of a compelling governmental interest which is furthered by the**
- 24 **least restrictive means.**
- 25 **(3) Notwithstanding any law to the contrary, no statute, administrative regulation,**
- 26 **ordinance, order, judgment, or other law or action by any court, commission, or**
- 27 **other public agency shall impair, impede, infringe upon, or otherwise restrict the**

1 exercise of protected rights by any protected activity provider.

2 (4) No protected activity provider shall be fined, imprisoned, held in contempt, or
3 otherwise punished or held liable for damages, costs, expenses, or attorney fees
4 by any court, commission, or public agency for:

5 (a) Actions or inactions arising from or related to providing protected activities;

6 or

7 (b) Refusing to provide protected activities;

8 unless a court finds that the complaining person or the government, as the case
9 may be, proved by clear and convincing evidence that the person or the
10 government had a compelling governmental interest in infringing upon the
11 specific act or refusal to act and had used the least restrictive means to further
12 that interest.

13 (5) This section shall not apply to the provision of standard goods or services:

14 (a) In the ordinary course of business; or

15 (b) At a place of public accommodation, resort, or amusement.