

1 AN ACT relating to protections of religious organizations.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 344 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) (a) As used in this section, "religious organization" means any religious*  
6 *corporation, association, educational institution, or society.*

7 *(b) The determination of whether an organization is "religious" for purposes*  
8 *of this section shall be based on the following factors, no one (1) of which*  
9 *shall be determinative:*

10 *1. Whether the entity operates for a profit;*

11 *2. Whether the entity produces a secular product;*

12 *3. Whether the entity's articles of incorporation or other pertinent*  
13 *documents state a religious purpose;*

14 *4. Whether the entity is owned, affiliated with, or financially supported*  
15 *by a formally religious entity such as a church or synagogue;*

16 *5. Whether a formally religious entity participates in the management,*  
17 *such as by having representatives on the board of trustees;*

18 *6. Whether the entity holds itself out to the public as secular or*  
19 *sectarian;*

20 *7. Whether the entity regularly includes prayer or other forms of worship*  
21 *in its activities;*

22 *8. Whether the entity includes religious instruction in its curriculum, to*  
23 *the extent it is an educational institution; and*

24 *9. Whether the entity's membership is made up by coreligionists.*

25 *(2) A religious organization, an individual employed by a religious organization*  
26 *while acting in the scope of that employment, or a clergy or minister may not be*  
27 *required to solemnize any marriage or provide services, accommodations,*

1 facilities, goods, or privileges for a purpose related to the solemnization,  
2 formation, or celebration of any marriage if the action would cause the  
3 organization or individual to violate a sincerely held religious belief.

4 (3) (a) A religious organization's refusal to provide services, accommodations,  
5 facilities, goods, or privileges under this section shall not be the basis for a  
6 civil or criminal cause of action or any other action by this state or a  
7 political subdivision of this state to penalize or withhold benefits or  
8 privileges, including tax exemptions, governmental contracts, grants, or  
9 licenses, from any protected organization or individual.

10 (b) A religious organization shall have a defense to any private cause of action  
11 for its refusal to provide services, accommodations, facilities, goods, or  
12 privileges under this section due to a sincerely held religious belief.