

1 ENGROSSED SENATE  
2 BILL NO. 404

By: Daniels and Jett of the  
Senate

3 and

4 Echols of the House

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6  
7 An Act relating to the Oklahoma Religious Freedom  
8 Act; amending 51 O.S. 2021, Sections 253, as last  
9 amended by Section 1, Chapter 235, O.S.L. 2022, and  
10 255, as last amended by Section 12, Chapter 321,  
11 O.S.L. 2022 (51 O.S. Supp. 2022, Sections 253 and  
12 255), which relate to burden upon free exercise of  
religion and construction of act; establishing  
exclusion from certain funds or benefits for certain  
reasons as substantial burden; removing definition;  
updating statutory reference; and providing an  
effective date.

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

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

19 Section 253. A. Except as provided in subsection B of this  
20 section, no governmental entity shall substantially burden a  
21 person's free exercise of religion even if the burden results from a  
22 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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1 Passed the Senate the 7th day of March, 2023.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2023.

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9 Presiding Officer of the House  
10 of Representatives