

Senate File 2095 - Introduced

SENATE FILE 2095

BY SCHULTZ

A BILL FOR

1 An Act relating to the exercise of religion, and including
2 effective date and applicability provisions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.301, subsection 1, Code 2024, is
2 amended to read as follows:

3 1. A county may, except as expressly limited by the
4 Constitution of the State of Iowa, and if not inconsistent
5 with the laws of the general assembly, exercise any power
6 and perform any function it deems appropriate to protect
7 and preserve the rights, privileges, and property of the
8 county or of its residents, and to preserve and improve the
9 peace, safety, health, welfare, comfort, and convenience
10 of its residents. This grant of home rule powers does not
11 include the power to enact private or civil law governing
12 civil relationships, except as incident to an exercise of an
13 independent county power, or to enact private or civil law
14 which violates section 675.4.

15 Sec. 2. Section 364.1, Code 2024, is amended to read as
16 follows:

17 **364.1 Scope.**

18 A city may, except as expressly limited by the Constitution
19 of the State of Iowa, and if not inconsistent with the laws
20 of the general assembly, exercise any power and perform
21 any function it deems appropriate to protect and preserve
22 the rights, privileges, and property of the city or of its
23 residents, and to preserve and improve the peace, safety,
24 health, welfare, comfort, and convenience of its residents.
25 This grant of home rule powers does not include the power
26 to enact private or civil law governing civil relationships,
27 except as incident to an exercise of an independent city power,
28 or to enact private or civil law which violates section 675.4.

29 Sec. 3. NEW SECTION. **675.1 Short title.**

30 This chapter shall be known and may be cited as the
31 "*Religious Freedom Restoration Act*".

32 Sec. 4. NEW SECTION. **675.2 Legislative purpose and intent.**

33 The purpose and intent of this chapter is all of the
34 following:

35 1. To restore the compelling governmental interest test

1 and to guarantee its application in all cases where the free
2 exercise of religion is substantially burdened by state action.

3 2. To provide a claim or defense to a person whose exercise
4 of religion is substantially burdened by state action.

5 Sec. 5. NEW SECTION. 675.3 Definitions.

6 As used in this chapter, unless the context otherwise
7 requires:

8 1. "*Compelling governmental interest*" means a governmental
9 interest of the highest order that cannot otherwise be achieved
10 without burdening the exercise of religion.

11 2. "*Exercise of religion*" means the practice or observance
12 of religion. "*Exercise of religion*" includes but is not
13 limited to the ability to act or refuse to act in a manner
14 substantially motivated by one's sincerely held religious
15 belief, whether or not the exercise is compulsory or central to
16 a larger system of religious belief.

17 3. "*Person*" means any individual, association, partnership,
18 corporation, church, religious institution, estate, trust,
19 foundation, or other legal entity.

20 4. "*State action*" means the implementation or application
21 of any law, including but not limited to state and local laws,
22 ordinances, rules, regulations, and policies, whether statutory
23 or otherwise, or other action by the state or a political
24 subdivision, including a local government, municipality,
25 instrumentality, or public official authorized by law.

26 5. "*Substantially burden*" means any action that directly
27 or indirectly constrains, inhibits, curtails, or denies the
28 exercise of religion by any person or compels any action
29 contrary to a person's exercise of religion and includes but
30 is not limited to withholding of benefits; assessment of
31 criminal, civil, or administrative penalties; or exclusion from
32 governmental programs or access to governmental facilities.

33 Sec. 6. NEW SECTION. 675.4 Free exercise of religion
34 protected.

35 1. State action shall not substantially burden a person's

1 exercise of religion, even if the burden results from a rule
2 of general applicability, unless the government demonstrates
3 that applying the burden to that person's exercise of religion
4 is in furtherance of a compelling governmental interest and
5 is the least restrictive means of furthering that compelling
6 governmental interest.

7 2. A person whose exercise of religion has been
8 substantially burdened in violation of this chapter may
9 assert such violation as a claim or defense in a judicial
10 or administrative proceeding and obtain appropriate relief,
11 including damages, injunctive relief, or other appropriate
12 redress. Standing to assert a claim or defense under this
13 chapter shall be governed by the general rules of standing
14 under state and federal law. The plaintiff, if the prevailing
15 party, may also recover reasonable attorney fees and costs.

16 Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate
17 importance, takes effect upon enactment.

18 Sec. 8. APPLICABILITY. This Act applies to all state and
19 local laws and the implementation of state and local laws,
20 whether statutory or otherwise, and whether adopted before, on,
21 or after the effective date of this Act.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill prohibits a governmental entity from substantially
26 burdening a person's free exercise of religion. The bill
27 prohibits governmental entities from treating religious
28 conduct more restrictively than any secular conduct of
29 reasonably comparable risk or treating religious conduct more
30 restrictively than comparable secular conduct because of
31 alleged economic need or benefit.

32 Under current law, a court is not required to apply
33 heightened scrutiny when reviewing a law that burdens a
34 person's exercise of religion when such law is generally
35 applicable. The bill provides that a court shall apply the

1 compelling governmental interest test so that the government
2 cannot substantially burden a person's exercise of religion
3 unless the government demonstrates that applying the law
4 of general applicability is in furtherance of a compelling
5 governmental interest and is the least restrictive means of
6 furthering that interest. The bill provides that a person
7 whose exercise of religion has been substantially burdened by
8 the government may assert such violation as a claim or defense
9 in a judicial or administrative proceeding, and provides that
10 the governmental entity may be liable for actual damages,
11 attorney fees, costs, and other appropriate remedies. The bill
12 also allows the person to obtain injunctive relief against the
13 governmental entity.

14 The bill prohibits a county or city from enacting a private
15 or civil law that would burden a person's free exercise of
16 religion in violation of the bill.

17 The bill takes effect upon enactment and applies to all state
18 and local laws.