

## HOUSE BILL NO. HB0264

Religious freedom restoration act.

Sponsored by: Representative(s) Romero-Martinez, Bear,  
Blackburn, Burt, Eklund, Haroldson,  
Jennings, Knapp, Ottman, Rodriguez-Williams  
and Washut

A BILL

for

1 AN ACT relating to religious freedom; creating a Religious  
2 Freedom Restoration Act; providing definitions; limiting  
3 specified governmental actions that burden religious  
4 freedom or acts of moral conscience as specified;  
5 authorizing claims and defenses against governmental action  
6 that burden religious freedom as specified; providing for  
7 severability of the act; and providing for an effective  
8 date.

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10 *Be It Enacted by the Legislature of the State of Wyoming:*

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12 **Section 1.** W.S. 9-22-101 through 9-22-105 are created  
13 to read:

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ARTICLE 2

RELIGIOUS FREEDOM RESTORATION ACT

**9-22-101. Religious Freedom Restoration Act; short title.**

This act shall be known and may be cited as the "Wyoming Religious Freedom Restoration Act."

**9-22-102. Definitions.**

(a) As used in this act:

(i) "Burden" means any action that intentionally either directly or indirectly constrains, inhibits, curtails or denies the exercise of religion or moral conscience by any person including, but not limited to:

(A) Withholding of benefits;

(B) Assessing criminal, civil or administrative penalties;

1 (C) Exclusion from governmental programs;

2 or

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4 (D) Denial of access to governmental  
5 facilities.

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7 (ii) "Exercise of moral conscience" means an  
8 individual exercise of judgment whereby the person  
9 recognizes the moral or ethical quality of an act and is  
10 compelled to:

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12 (A) Perform the act because it is an act of  
13 good will or faith; or

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15 (B) Avoid performing the act because the  
16 person believes the act to be evil or wrong.

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18 (iii) "Exercise of religion" means the practice  
19 or observance of religion, including an act or refusal to  
20 act, that is substantially motivated by a sincerely held  
21 religious belief, whether or not compelled by or central to  
22 a system of religious belief;

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1           (iv) "Government" means any department, agency,  
2 division, board, bureau, commission, council, authority,  
3 employee, official or other entity of this state or a  
4 political subdivision of this state, or a person acting  
5 under color of state law;

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7           (v) "This act" means W.S. 1-35-201 through  
8 1-35-205.

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10           **9-22-103. Limitation on government action; exception.**

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12           (a) Except as provided in subsection (b) of this  
13 section, government action, including action by anyone  
14 acting under color of state law, shall not unnecessarily  
15 burden a person's right to the exercise of religion or  
16 moral conscience, even if the burden results from a rule of  
17 general applicability.

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19           (b) Government may substantially burden a person's  
20 exercise of religion or moral conscience only if it  
21 demonstrates that application of the burden to that  
22 person's exercise of religion or moral conscience in that  
23 particular instance is:

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2           (i) Essential to further a compelling government  
3 interest; and

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5           (ii) The least restrictive means of furthering  
6 that compelling governmental interest.

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8           (c) Nothing in this act shall be construed to  
9 authorize a government employee or official from refusing  
10 to perform any of the duties or responsibilities which are  
11 required of that person's position or office, regardless of  
12 the person's religious or moral objections.

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14           **9-22-104. Claims and defenses.**

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16 A person whose exercise of religion or moral conscience has  
17 been burdened in violation of this act may assert that  
18 violation as a claim or defense in any judicial or  
19 administrative proceeding and obtain appropriate relief,  
20 including equitable relief, against the government or  
21 person acting under color of state law.

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23           **9-22-105. Provisions to be liberally construed.**

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2 Nothing in this act shall be construed to authorize acts of  
3 licentiousness or practices inconsistent with the peace or  
4 safety of the state or its laws which protect the health  
5 and safety of the public.

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7 **Section 2.** This act is effective July 1, 2021.

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(END)