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SENATE BILL NO. 41

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on March 3, 2016)

(Patron Prior to Substitute—Senator Carrico)

A *BILL to amend the Code of Virginia by adding a section numbered 57-2.03, relating to religious freedom; marriage solemnization, participation, and beliefs.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 57-2.03 as follows:

§ 57-2.03. Religious freedom; marriage.

A. For purposes of this section, unless the context requires a different meaning:

"Penalty" means any action taken by the Commonwealth, or its political subdivisions or representatives or agents, that (i) alters in any way the tax treatment of, or causes any tax, tax penalty, or payment to be assessed against, or denies, delays, or revokes an exemption from taxation of, any person; (ii) disallows a deduction for tax purposes of any charitable contribution made to or by any person; (iii) withholds, reduces, excludes, terminates, or otherwise makes unavailable or denies (a) any state grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, license, certification, accreditation, employment, or other similar position or status from or to any person; (b) any entitlement or benefit under a state benefit program, including admission to, equal treatment in, or eligibility for a degree from an educational program, from or to any person; or (c) any entitlement to state property, facilities, educational institutions, speech forums, or charitable fundraising campaigns from or to any person.

"Person" means any (i) religious organization, (ii) organization supervised or controlled by or operated in connection with a religious organization, (iii) individual employed by a religious organization while acting in the scope of his paid or volunteer employment, (iv) successor, representative, agent, agency, or instrumentality of any of the foregoing, or (v) clergy member or minister.

B. No person shall be:

1. Required to participate in the solemnization of any marriage; or

2. Subject to any penalty, any civil liability, or any other action by the Commonwealth, or its political subdivisions or representatives or agents, solely on account of such person's belief, speech, or action in accordance with a sincerely held religious belief or moral conviction that marriage is or should be recognized as the union of one man and one woman.