



Government Nondiscrimination Acts

KEY POINTS

No government entity in the United States should ever inflict legal penalties on individuals on account of their **religious beliefs**.

GNDAs protect the religious freedom of individuals and entities by prohibiting the state from taking adverse action against them on account of their **religious beliefs or moral convictions** related to marriage and sexuality.

GNDAs also create a **private right of action** for individuals whose religious freedom rights have been violated by the government.

Family Research Council recommends and supports government nondiscrimination acts (GNDAs) as an effective means of ensuring Americans are never penalized for affirming biblical teachings on marriage and sexuality. Religious freedom is foundational to America's national identity, having been enshrined within the First Amendment of the U.S. Constitution. No government entity in the United States should ever inflict legal penalties on individuals on account of their religious beliefs.

GNDAs prohibit the state from penalizing individuals and entities for their moral or religious belief that marriage is the union of one man and one woman. They also protect individuals and entities that believe sexual relationships are properly reserved for natural marriage. Furthermore, GNDAs protect individuals and entities from being penalized for believing that the terms "man" and "woman" are biologically based.

Even before the U.S. Supreme Court held in *Obergefell v. Hodges* (2015) that states must recognize same-sex marriage, state and local governments had begun to discriminate against those who believe in natural marriage. California judges were barred from joining organizations that affirm natural marriage. A Washington state judge was admonished by the state judicial commission for privately saying that he was "uncomfortable" with performing same-sex marriages due to his religious beliefs. He was ordered not to make such statements in the future. Governments canceled their contracts with faith-based adoption and foster care agencies that would only place a child with a married mother and father.

Now, after the *Obergefell* ruling, pressure to affirm same-sex marriage has increased. Religious schools, nonprofits, public employees, private employees, small business owners, and entities interacting with the government via grants, contracts, or other means should be protected from government coercion that would make them violate their consciences. Legislators have introduced GNDAs in 18 states since 2015. Almost half of the 41 bills were introduced in 2016, each one preventing the government from penalizing people or organizations for their beliefs about marriage and sexuality. So far, Mississippi is the only state to have enacted a GNDAs.

Legislative Intent: GNDAs protect the religious freedom of individuals and entities by prohibiting the state from taking adverse action against them on account of their religious beliefs or moral convictions related to marriage and sexuality.

Strong GNDAs define the specific acts that constitute "discriminatory actions," such as to "impose, levy, or assess a monetary fine, fee, penalty, damages award, or injunction" or to "withhold. . . or deny any state grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, or other similar benefit. . ." Comprehensive GNDAs also define protected religious convictions. Protected religious convictions typically include the

A map of the United States showing the legislative activity for the 2019-2020 session. The map is color-coded to indicate the status of bills in each state:

- Introduced this year:** Light green. States include Massachusetts, Illinois, and New York.
- Enacted in previous years:** Dark blue. State is Mississippi.
- Introduced in previous years:** Medium blue. States include Washington, Oregon, Idaho, Utah, Wyoming, Colorado, Kansas, Nebraska, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Kentucky, Tennessee, Georgia, Florida, Alabama, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, Connecticut, Rhode Island, Massachusetts, New York, New Hampshire, Vermont, New Mexico, Arizona, Nevada, California, Hawaii, and Alaska.
- No bills:** Light gray. States include Montana, North Dakota, South Dakota, Minnesota, Wisconsin, Michigan, Indiana, Ohio, Pennsylvania, New Jersey, Connecticut, Rhode Island, Massachusetts, New York, New Hampshire, Vermont, New Mexico, Arizona, Nevada, California, Hawaii, and Alaska.

Key Provisions:

Defines “discriminatory actions.”

Creates a cause of action.