



Government Nondiscrimination Acts

KEY POINTS

No government entity in the United States should legally penalize beliefs in natural marriage, marital monogamy, or biological sex.

GNDAs protect 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. No government entity in the United States should legally penalize beliefs in natural marriage, marital monogamy, or biological sex.

GNDAs prohibit the state from penalizing individuals and entities for their religious belief or moral conviction 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.

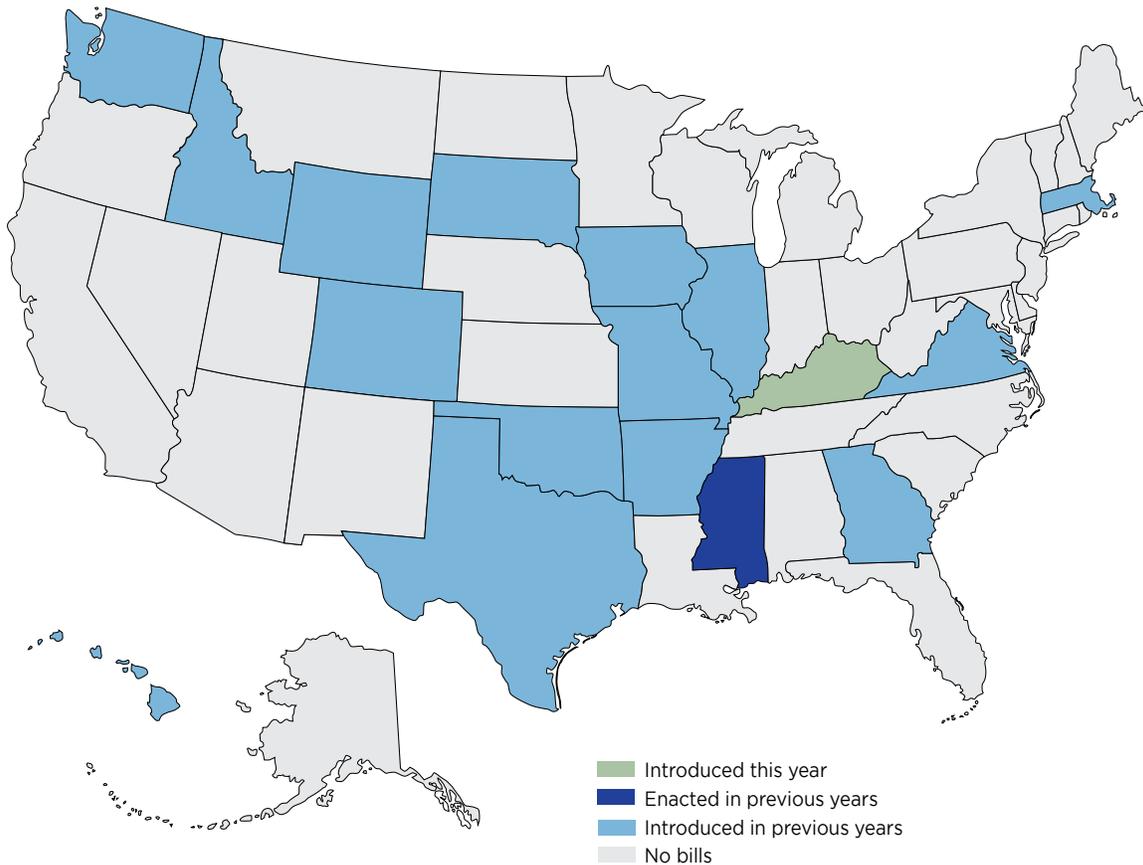
Even before the U.S. Supreme Court held in *Obergefell v. Hodges* (2015) that states must recognize same-sex marriage, state and local governments had begun to discriminate against those who believe in natural marriage. After the *Obergefell* ruling, pressure to affirm same-sex marriage increased. Religious 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 16 states since 2015. Almost half of the 32 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 GNDA.

Legislative Intent: GNDAs protect 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 beliefs: That marriage is or should be recognized as the union of one man and one woman, that sexual relationships are properly reserved for such marriages, and that sex is a biological reality, determinable by time of birth. Strong GNDAs also create a private right of action for individuals whose rights have been violated by the government.

Government Nondiscrimination Acts



Key Provisions:

Prohibits the state, and its political subdivisions, from taking action against a person on account of their religious beliefs or moral convictions.

Defines “discriminatory actions.”

Defines the religious convictions for which actions would be taken against an individual or entity:

That marriage is or should be recognized as the union of one man and one woman,

That sexual relationships are properly reserved for such marriages, and

That sex is a biological reality, determinable by time of birth.

Creates a cause of action.