

# Ohio House Bill 376

## The Ohio Religious Freedom Restoration Act (RFRA)



### A civil liberties briefing

#### Quick Facts

- The Bill of Rights shields religious individuals from government persecution. H.B. 376 turns this shield into a sword by encouraging Ohioans to use their religious beliefs as an excuse to violate the rights of others.
- The bill emboldens Ohioans to use religion as justification for violating both criminal laws and civil ordinances.
- The bill could be also be used to undermine local anti-discrimination laws or to force educational institutions to modify their academic requirements to suit religious ideology.
- H.B. 376 opens up businesses and local governments to expensive lawsuits from those who claim they have a religious right to ignore employment rules or municipal laws.

#### Why the ACLU of Ohio Opposes H.B. 376

The ACLU of Ohio firmly supports religious freedom, which is fundamental to personal liberty. **But the right to act on one's religious beliefs is not absolute.** It is not a free pass to ignore the law or violate the basic civil rights of others. It never has been.

The ACLU has fought for decades to defend true individual religious freedom. **We oppose H.B. 376**—often referred to as the Ohio Religious Freedom Restoration Act (RFRA)—because it allows individuals to use their religious beliefs as an excuse to harm others.

#### What H.B. 376 Will Do

If passed, this bill would excuse any person from any state or local law that they claim “burdens” their exercise of religion. This includes beliefs that do not stem from any established religion. Thus any individual “religious belief” can determine which state and local laws a person chooses to honor.

- The bill could be invoked to undermine local LGBT anti-discrimination laws, allowing people or businesses to deny employment, housing, or services based on their religious views.
- Even businesses who do not intend to hurt others will be negatively impacted because the bill emboldens individual employees to opt out of performing duties or following work rules that conflict with their personal beliefs.
- Ultimately, employers will find themselves stuck between a rock and a hard place. They will be vulnerable to lost business (or even litigation) from mistreated customers, but their attempts to discipline the offending employees could be challenged under the Ohio RFRA. A similar dilemma awaits public educational institutions who find their curriculum challenged under RFRA.

Other states with similar legislation have seen individuals and groups using religious freedom as a justification for all sorts of behavior, some of it criminal. This is not merely a slippery slope argument. These things are happening. Here are just a few examples:

- **Criminal Justice:** Police officers in Arizona and Oklahoma have used religious freedom as an excuse to refuse orders they claimed offended their personal religious views. Citizens in Pennsylvania have used their state RFRA to claim a religious right to violate local ordinances.
- **Public Health:** Pharmacists in Illinois have used religious freedom as a defense for withholding medication.
- **Child Safety:** A pastor who helped kidnap a child in Virginia from her legal guardian cited religious freedom as his legal defense. In New Mexico, a local religious leader cited the state RFRA when he appealed a conviction for sexually abusing two teenagers.
- **LGBT Discrimination:** A business in New Mexico used religious freedom as a legal defense for denying service to an LGBT couple.
- **Municipal Burden:** The city of Dallas, Texas is embroiled in an ongoing seven year legal battle with a religious group that has used the Texas RFRA to claim that the city's health code and food safety standards burden their exercise of religion when serving food to the homeless. To date, this case has cost taxpayers nearly one million dollars.

**H.B. 376 actually goes further than the examples above,** because unlike other state and federal provisions, Ohio's law is also designed to be used as a claim or defense in private litigation, regardless of whether a governmental entity is a party.

The bill even allows for damages, costs, and attorney's fees. **This makes H.B. 376 an invitation for people to sue not only the government, but each other.** The bill will increase congestion in Ohio courts and divert the already scarce resources of law enforcement agencies and governments at both the state and local level.

#### What H.B. 376 Will Not Do

Some have claimed that H.B. 376 will allow for religious portraits and faculty-led prayer in public schools. **It won't.** H.B. 376 is a piece of state legislation; **it will not trump the Bill of Rights.**

Religious portraits and faculty-led prayer in public schools will still be unconstitutional under H.B. 376, **but the law will have many other negative consequences.**

**For more information, and to learn how you can help stop H.B. 376, visit:**  
[www.acluohio.org/issues/RFRA](http://www.acluohio.org/issues/RFRA)