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2 95th General Assembly
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4

As Engrossed: H3/5/25

A Bill

HOUSE BILL 1615

5 By: Representatives Lundstrum, Beaty Jr., A. Brown, R. Burkes, Joey Carr, Hall, Ladyman, Long,
6 McAlindon, Rose, Torres, Unger
7 By: Senator G. Stubblefield
8

For An Act To Be Entitled

10 AN ACT TO AMEND THE LAW CONCERNING RELIGIOUS
11 *NONDISCRIMINATION; AND FOR OTHER PURPOSES.*
12
13

Subtitle

15 TO AMEND THE LAW CONCERNING RELIGIOUS
16 NONDISCRIMINATION.
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 16-123-601 is amended to read as follows:
21 16-123-601. Legislative intent.

22 It is the intent of the General Assembly to ~~prohibit~~:

23 (1) Prohibit government discrimination against religious
24 organizations based upon the religious organizations' religious identity or
25 conduct;

26 (2) Ensure that faith-based adoption and foster care providers
27 remain free to serve children in need and work with the state to find loving,
28 permanent homes for children;

29 (3) Prohibit the government from discriminating against certain
30 individuals and organizations because of their beliefs regarding marriage or
31 what it means to be female or male; and

32 (4) Ensure that individuals and organizations cannot be
33 compelled, either by the government or through a lawsuit initiated by a
34 private party, to engage in conduct that conflicts with their beliefs or be
35 punished or discriminated against for declining to engage in conduct that
36 conflicts with their beliefs.



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SECTION 2. Arkansas Code § 16-123-602(1)(C), concerning an action taken by the government that constitutes a "discriminatory action" as the term is used regarding religious nondiscrimination, is amended to read as follows:

(C) Withhold, reduce, exclude, terminate, materially alter the terms or conditions of, or otherwise make unavailable, including by inserting contractual provisions that contradict a person's sincerely held religious beliefs, or deny any state grant, state benefit program, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, or other similar benefit from or to such person;

SECTION 3. Arkansas Code § 16-123-602, concerning the definitions used regarding religious nondiscrimination, is amended to add additional subdivisions to read as follows:

(6) "Adoption or foster care" means social services provided to or on behalf of children, including without limitation:

(A) Assisting abused or neglected children;

(B) Teaching children and parents occupational, homemaking, and other domestic skills;

(C) Promoting foster parenting;

(D) Providing foster homes, residential care, group homes, or temporary group shelters for children;

(E) Recruiting foster parents;

(F) Placing children in foster homes;

(G) Licensing or certifying foster homes;

(H) Promoting adoption or recruiting adoptive parents;

(I) Assisting adoptions or supporting adoptive families;

(J) Performing or assisting home studies;

(K) Assisting kinship guardianships or kinship caregivers;

(L) Providing family preservation services;

(M) Providing family support services; and

(N) Providing temporary family reunification services;

(7) "Belief about biological sex or marriage" means a belief based on religious or philosophical premises:

(A) Regarding the sex of two (2) individuals who may enter

1 into marriage; or

2 (B) That "male" or "man" or "female" or "woman" refers
3 exclusively to a person's immutable biological sex as objectively determined
4 by anatomy and genetics at the time of birth;

5 (8) "License-seeking student" means a person who is in an
6 educational institution in the state for the purpose of obtaining the
7 necessary educational requirements to engage in an occupation or profession
8 that is licensed, accredited, or certified by state government; and

9 (9) "Occupational organization" means an entity of which a
10 person or license-seeking student must be a member in order to engage in a
11 specified occupation or profession within the state, including an entity for
12 which exclusion from the entity would substantially impair a person's ability
13 to engage in the occupation or profession.

14
15 SECTION 4. Arkansas Code § 16-123-603, concerning the
16 prohibition against religious discrimination, is amended to add additional
17 subsections to read as follows:

18 (c) The state government shall not take any discriminatory action
19 against a religious organization that advertises, provides, or facilitates
20 adoption or foster care, wholly or partially on the basis that the religious
21 organization has provided or declined to provide any adoption or foster care
22 service, or related service, based upon or in a manner consistent with a
23 sincerely held religious belief unless it is demonstrated that the action
24 against the religious organization in this particular instance is:

25 (1) Essential to further a compelling governmental interest; and

26 (2) The least restrictive means of furthering that compelling
27 governmental interest.

28 (d)(1) The state government shall not take any discriminatory action
29 against a person to whom the state grants custody of a foster child or
30 adoptive child, or who seeks from the state custody of a foster child or
31 adoptive child, wholly or partially on the basis that the person guides,
32 instructs, or raises a child, or intends to guide, instruct, or raise a
33 child, based upon or in a manner consistent with a sincerely held religious
34 belief unless it is demonstrated that the action against the person in this
35 particular instance is:

36 (A) Essential to further a compelling governmental

1 interest; and

2 (B) The least restrictive means of furthering that
3 compelling governmental interest.

4 (2) The state government may consider whether a person shares
5 the same religion or faith tradition as a foster child or adoptive child when
6 considering placement of the foster child or adoptive child in order to
7 prioritize placement with a person of the same religion or faith tradition.

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9 SECTION 5. Arkansas Code Title 16, Chapter 123, Subchapter 6, is
10 amended to add additional sections to read as follows:

11 16-123-606. Degrees, accreditation, licensure, and certification.

12 (a) The state government shall consider accredited, licensed, or
13 certified any person that would otherwise be accredited, licensed, or
14 certified, respectively, for any purposes under state law but for a
15 determination against the person wholly or partially on the basis that the
16 person believes, maintains policies and procedures, or acts in accordance
17 with a sincerely held religious belief, including a belief about biological
18 sex or marriage unless it is demonstrated that refusal of consideration of
19 the accreditation, license, or certification of the person in this particular
20 instance is:

21 (1) Essential to further a compelling governmental interest; and

22 (2) The least restrictive means of furthering that compelling
23 governmental interest.

24 (b) The state government shall not revoke, decline to renew, or
25 decline to grant a college or graduate degree, license, accreditation, or
26 certification to a person based upon the inability of the person to assist or
27 provide professional services to a client or potential client in pursuit of
28 goals, outcomes, or behaviors that conflict with a sincerely held religious
29 belief held by the person unless it is demonstrated that the revocation,
30 declination to renew or grant a college or graduate degree, license,
31 accreditation, or certification of that person in this particular instance
32 is:

33 (1) Essential to further a compelling governmental interest; and

34 (2) The least restrictive means of furthering that compelling
35 governmental interest.

36 (c) As a condition of obtaining or maintaining a college or graduate

1 degree, license, accreditation, or certification to engage in certain
2 occupations or professions, the state government shall not require a person
3 to be a member of any occupational organization that requires its members to
4 assist or provide professional services to a client or potential client in
5 pursuit of goals, outcomes, or behaviors that conflict with a sincerely held
6 religious belief held by the person unless it is demonstrated that the
7 requirement that the person be a member of the occupational organization in
8 this particular instance is:

9 (1) Essential to further a compelling governmental interest; and

10 (2) The least restrictive means of furthering that compelling
11 governmental interest.

12 (d) An educational institution within the state shall not require a
13 license-seeking student to assist or provide services to a client or
14 potential client in pursuit of goals, outcomes, or behaviors that conflict
15 with the student's sincerely held religious belief unless it is demonstrated
16 that the requirement that the person assist or provide services in this
17 particular instance is:

18 (1) Essential to further a compelling governmental interest; and

19 (2) The least restrictive means of furthering that compelling
20 governmental interest.

21 (e) A person's inability to assist or provide professional services to
22 a client or potential client in pursuit of goals, outcomes, or behaviors that
23 conflict with the person's sincerely held religious belief, except for those
24 professional healthcare services that are governed under the Medical Ethics
25 and Diversity Act, § 17-80-501 et seq., shall not be the basis for a:

26 (1) Hearing or action by the state government or educational
27 institution;

28 (2) Civil cause of action; or

29 (3) Criminal prosecution.

30 (f) This section does not limit any other rights or protections
31 afforded to a person or a license-seeking student under the Arkansas
32 Constitution, the United States Constitution, state law, or state regulatory
33 authority.

34
35 16-123-607. Beliefs regarding biological sex or marriage.

36 (a) The state government shall not take any discriminatory action

1 against:

2 (1) A religious organization or person wholly or partially on
3 the basis that the religious organization or person:

4 (A) Solemnizes or declines to solemnize any marriage, or
5 provides or declines to provide services, accommodations, facilities, goods,
6 or privileges for a purpose related to the solemnization, formation,
7 celebration, or recognition of any marriage, based upon or in a manner
8 consistent with a belief about biological sex or marriage;

9 (B) Makes any employment-related decision, including a
10 decision whether to hire, terminate, or discipline a person whose conduct or
11 religious beliefs are inconsistent with those of the religious organization,
12 based upon or in a manner consistent with a belief about biological sex or
13 marriage; or

14 (C) Makes any decision concerning the sale, rental,
15 occupancy of, or terms and conditions of occupying a dwelling or other
16 housing under its control based upon or in a manner consistent with a belief
17 about biological sex or marriage;

18 (2) A person wholly or partially on the basis that the person
19 has provided or declined to provide the following services, accommodations,
20 facilities, goods, or privileges for a purpose related to the solemnization,
21 formation, celebration, or recognition of any marriage, based upon or in a
22 manner consistent with a belief about biological sex or marriage:

23 (A) Photography, poetry, videography, disc jockey
24 services, wedding planning, printing, web design, graphic design, publishing,
25 counseling, or similar marriage-related goods or services; or

26 (B) Floral arrangements, dress making, cake or pastry
27 artistry, assembly hall or other wedding venue rentals, car or other vehicle
28 service rentals, jewelry sales and services, or similar marriage-related
29 services, accommodations, facilities, or goods;

30 (3) A person wholly or partially on the basis that the person
31 maintains separate dress codes, restrooms, spas, baths, showers, dressing
32 rooms, locker rooms, or other intimate facilities or settings based on
33 biological sex; or

34 (4) A state government employee wholly or partially on the basis
35 that the state government employee lawfully speaks or engages in expressive
36 conduct based upon or in a manner consistent with a belief about biological

1 sex or marriage if the state government employee's speech or expressive
2 conduct occurs:

3 (A) In the workplace consistent with the time, place,
4 manner, and frequency of any other expression of a religious, political, or
5 moral belief or conviction allowed; or

6 (B) Outside the workplace in the employee's personal
7 capacity and outside the course of performing work duties.

8 (b)(1) A person employed or acting on behalf of the state government
9 who has authority to authorize or license marriages, including without
10 limitation clerks, registers of deeds, or their deputies may seek recusal
11 from authorizing or licensing lawful marriages based upon or in a manner
12 consistent with a belief about biological sex or marriage.

13 (2) A person making a recusal request under subdivision (b)(1)
14 of this section shall provide prior written notice to the state government,
15 and the state government shall not take any discriminatory action against
16 that person wholly or partially on the basis of such recusal.

17 (3) Access to a constitutional right shall not be unduly
18 burdened by a governmental entity due to a recusal request made by a person
19 under subdivision (b)(1) of this section.

20 (c)(1) A person employed or acting on behalf of the state government
21 who has authority to perform or solemnize marriages, including without
22 limitation to judges, magistrates, justices of the peace, or their deputies,
23 may seek recusal from performing or solemnizing lawful marriages based upon
24 or in a manner consistent with a belief about biological sex or marriage.

25 (2) Any person making a recusal request under subdivision (c)(1)
26 of this section shall provide prior written notice to the state government,
27 and the state government shall not take any discriminatory action against
28 that person wholly or partially on the basis of the recusal.

29 (3) Access to a constitutional right shall not be unduly
30 burdened by a governmental entity due to a recusal request made by a person
31 under subdivision (c)(1) of this section.

32 /s/Lundstrum

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