

1 State of Arkansas *As Engrossed: H3/5/25 H3/11/25*

2 95th General Assembly

# A Bill

3 Regular Session, 2025

HOUSE BILL 1615

4

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

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## For An Act To Be Entitled

10 AN ACT TO AMEND THE LAW CONCERNING RELIGIOUS

11 *NONDISCRIMINATION; AND FOR OTHER PURPOSES.*

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## Subtitle

15 TO AMEND THE LAW CONCERNING RELIGIOUS

16 NONDISCRIMINATION.

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

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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 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.

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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, licensure, and certification.

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

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

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

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

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

32 (2) The least restrictive means of furthering that compelling  
33 governmental interest.

34 (c) As a condition of obtaining or maintaining a college or graduate  
35 degree, license, or certification to engage in certain occupations or  
36 professions, the state government shall not require a person to be a member

1 of any occupational organization that requires its members to assist or  
2 provide professional services to a client or potential client in pursuit of  
3 goals, outcomes, or behaviors that conflict with a sincerely held religious  
4 belief held by the person unless it is demonstrated that the requirement that  
5 the person be a member of the occupational organization in this particular  
6 instance is:

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

8 (2) The least restrictive means of furthering that compelling  
9 governmental interest.

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

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

17 (2) The least restrictive means of furthering that compelling  
18 governmental interest.

19 (e) This section does not limit any other rights or protections  
20 afforded to a person or a license-seeking student under the Arkansas  
21 Constitution, the United States Constitution, state law, or state regulatory  
22 authority.

23  
24 16-123-607. Beliefs regarding biological sex or marriage.

25 (a) The state government shall not take any discriminatory action  
26 against a religious organization or person wholly or partially on the basis  
27 that the religious organization or person:

28 (1) Solemnizes or declines to solemnize any marriage, or  
29 provides or declines to provide services, accommodations, facilities, goods,  
30 or privileges for a purpose related to the solemnization, formation,  
31 celebration, or recognition of any marriage, based upon or in a manner  
32 consistent with a belief about biological sex or marriage; or

33 (2) Makes any employment-related decision, including a decision  
34 whether to hire, terminate, or discipline a person whose conduct or religious  
35 beliefs are inconsistent with those of the religious organization, based upon  
36 or in a manner consistent with a belief about biological sex or marriage.

1 (b) The state government shall not take any discriminatory action  
2 against a person wholly or partially on the basis that the person:

3 (1) Has provided or declined to provide the following services,  
4 accommodations, facilities, goods, or privileges for a purpose related to the  
5 solemnization, formation, celebration, or recognition of any marriage, based  
6 upon or in a manner consistent with a belief about biological sex or  
7 marriage:

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

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

15 (2) Maintains separate dress codes, restrooms, spas, baths,  
16 showers, dressing rooms, locker rooms, or other intimate facilities or  
17 settings based on biological sex.

18 (c) The state government shall not take any discriminatory action  
19 against a state government employee wholly or partially on the basis that the  
20 state government employee lawfully speaks or engages in expressive conduct  
21 based upon or in a manner consistent with a belief about biological sex or  
22 marriage if the state government employee's speech or expressive conduct  
23 occurs:

24 (1) In the workplace consistent with the time, place, manner,  
25 and frequency of any other expression of a religious, political, or moral  
26 belief or conviction allowed and, within public institutions of higher  
27 education, subject to reasonable policies established consistent with § 6-60-  
28 1001 et seq. and § 6-60-1401 et seq.; or

29 (2) Outside the workplace in the employee's personal capacity  
30 and outside the course of performing work duties.

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

36 (2) A person making a recusal request under subdivision (d)(1)

1 of this section shall provide prior written notice to the state government,  
2 and the state government shall not take any discriminatory action against  
3 that person wholly or partially on the basis of such recusal.

4 (3) Access to a constitutional right shall not be unduly  
5 burdened by a governmental entity due to a recusal request made by a person  
6 under subdivision (d)(1) of this section.

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

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

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

19 /s/Lundstrum

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