

LGBT & RELIGIOUS NONDISCRIMINATION

LGBT PROTECTIONS

- Protects LGBT individuals from employment discrimination
- Protects LGBT persons from housing discrimination
- Provides reasonable workplace accommodations for transgender individuals
- Guarantees access to marriage by clerks offices, even in rural areas
- Protects political and religious expression outside the workplace
- Places political and religious expression in the workplace on level playing field.

RELIGIOUS PROTECTIONS

- Churches solemnize marriages consistent with faith
- Protects the character of faith communities & buildings
- Permits religious groups to celebrate marriages consistent with faith
- Permits religious marriage counseling courses consistent with faith
- Carves out religiously affiliated housing; small landlords
- Protects political and religious expression outside the workplace
- Places political and religious expression in the workplace on level playing field.

SB 297*	Exempts clergy from officiating a wedding	Designates only willing clerks	Exempts religious organizations from providing wedding services	Protects objectors from private suits and government penalties**	Exempts religious marriage counseling courses or retreats	No revocation of professional/business license for expression in nonprofessional setting	Allows adoption/foster agencies to maintain existing placement policies***	Proactively protects character of religious buildings & wedding services
Delaware	✓	✓		✓				
Illinois	✓		✓	✓				
Vermont	✓		✓	✓				
Hawaii	✓		✓	✓				
Washington	✓		✓	✓	✓			
New York	✓		✓	✓				
Connecticut	✓		✓	✓			✓	
D.C.	✓		✓	✓	✓			
Minnesota	✓		✓	✓			✓	
N.H.	✓		✓	✓	✓			
Rhode Island	✓		✓	✓	✓		✓	
Maryland	✓		✓	✓	✓		✓	
Utah	✓ ⁱ	✓ ⁱⁱ	✓ ⁱⁱⁱ	✓ ^{iv}	✓ ^v	✓ ^{vi}	✓ ^{vii}	✓ ^{viii}

SB 296	Exempts religiously affiliated housing	Permits religious/Political expression outside the workplace****	Gives parity to religious/political expression inside the workplace
Delaware			
Illinois		✓	
Vermont		✓	
Hawaii		✓	
Washington		✓	
New York	✓	✓	
Connecticut	✓	✓	
D.C.		✓	
Minnesota	✓	✓	
N.H.	✓	✓	
Rhode Island			
Maryland			
Utah	✓ ^{ix}	✓ ^x	✓ ^{xi}

*Adapted from Robin Fretwell Wilson: "Marriage of Necessity: Same-Sex Marriage and Religious Liberty Protections," 64(3) Case Western Law Review 1161 (2014) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2448344

**Delaware-"No fine or penalty"; Vermont-Civil claim only

***Connecticut, Minnesota, Maryland-If no public money; Utah- Recognition for "ecclesiastical purposes only"

****As of 2012; Adapted from Taxes Review of Law & Politics; Utah-Includes religious expression; New York-Recreational activities; Connecticut- Rights protected by 1st Amendment; N.H.-Campaign contributions

i SB297, lines 187-194

ii SB297, lines 76-78

iii SB297, lines 195-198

iv SB297, lines 203-207; 238-242

v SB297, lines 199-201

vi SB297, lines 209-219

vii SB297, lines 187-189

viii SB297, lines 235-242

ix SB296, lines 68; 814-828

x SB296, lines 700-706

xi SB296, lines 693-699