



Balance Between Religious Freedom and Civil Rights Laws: Support SB1283/HB1598 Only with Amendment to Protect Against Civil Rights Violations

What SB1283/HB1598 do: SB1283, sponsored by Senator Bunch, and HB1598, sponsored by Representative Lynn, would prohibit the state from “substantially burdening” a person’s free exercise of religion without a compelling governmental interest. However the bill does not include any language that would prevent the act from being used to justify civil rights violations.

The Tennessee General Assembly must ensure that in pursuing the important goal of protecting religious freedom, it does not undermine established law that combats discrimination and promotes equality. Redefining the legal balance between religious freedom and other civil rights, and with it the scope and applicability of existing anti-discrimination statutes and the large body of case law surrounding them, will have profound implications.

Enhancing the protection of religious freedom cannot come at the expense of civil rights violations. We have serious concerns that, as applied, this law may compromise other equally important rights and liberties such as personal privacy and equal protection of the laws. SB1283/HB1598 does not include language clarifying that the bill neither expands nor reduces a person’s civil rights under any other law.

SB1283/HB1598 is seriously flawed because it does not include language to prevent the act from being used to justify civil rights violations. We fear that the law could adversely impact patients’ access to health care services based on providers’ religious beliefs. We fear consequences for victims who file lawsuits arising out of clergy sexual abuse should churches use the argument, as they did in Massachusetts, that their religious freedom prevents review by civil courts of their internal affairs.

Tennessee’s civil rights laws provide critical protection of those most vulnerable to bigotry and discrimination. The Tennessee General Assembly must ensure that in pursuing the important goal of protecting religious freedom, it does not undermine established law that combats discrimination and promotes equality.

Government has an important role to play in guaranteeing religious freedom without permitting religion to be used as a defense to claims of discrimination, abuse or denial of health care.

SB1283/HB1598 must be amended to include language to protect against civil rights violations.

WHAT YOU CAN DO: Call your state senator and state representative and tell them to amend SB1283/HB1598. The easiest way to contact your legislators is to visit <http://www.capitol.tn.gov>, go to "Find My Legislator," put in your address and click "search."