

House Bill 757 (COMMITTEE SUBSTITUTE)

By: Representatives Tanner of the 9th, Nix of the 69th, Battles of the 15th, Powell of the 171st, Hatchett of the 150th, and others

A BILL TO BE ENTITLED
AN ACT

1 To protect religious freedoms; to amend Chapter 3 of Title 19 of the Official Code of
2 Georgia Annotated, relating to marriage generally, so as to provide that religious officials
3 shall not be required to perform marriage ceremonies, perform rites, or administer sacraments
4 in violation of their legal right to free exercise of religion; to amend Chapter 1 of Title 10 of
5 the Official Code of Georgia Annotated, relating to selling and other trade practices, so as
6 to change certain provisions relating to days of rest for employees of business and industry;
7 to protect property owners which are religious organizations against infringement of religious
8 freedom; to define a term; to provide for related matters; to provide an effective date; to
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 SECTION 1.

12 Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage
13 generally, is amended by adding a new Code section to read as follows:

14 "19-3-11.

15 (a) No minister of the gospel or cleric or religious practitioner ordained or authorized to
16 solemnize marriages, perform rites, or administer sacraments according to the usages of the
17 denomination, when acting in his or her official religious capacity, shall be required to
18 solemnize any marriage, perform any rite, or administer any sacrament in violation of his
19 or her right to free exercise of religion under the Constitution of this state or of the United
20 States.

21 (b) A refusal by an ordained or authorized person pursuant to subsection (a) of this Code
22 section shall not give rise to a civil claim or cause of action against such person or result
23 in any state action to penalize, withhold benefits from, or discriminate against such person
24 based on such refusal."

25 **SECTION 2.**

26 Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other
27 trade practices, is amended by revising Code Section 10-1-573, relating to day of rest for
28 employees of business and industry, as follows:

29 "10-1-573.

30 (a) Any business or industry which operates on either of the two rest days (Saturday or
31 Sunday) and employs those whose habitual day of worship has been chosen by the
32 employer as a day of work shall make all reasonable accommodations to the religious,
33 social, and physical needs of such employees so that those employees may enjoy the same
34 benefits as employees in other occupations.

35 (b) No business or industry shall be required by ordinance or resolution of any county,
36 municipality, or consolidated government to operate on either of the two rest days
37 (Saturday or Sunday)."

38 **SECTION 3.**

39 Said chapter is further amended by adding a new article to read as follows:

40 "ARTICLE 35

41 10-1-1000.

42 (a) As used in this Code section, the term 'religious organization' means a church, a
43 religious school, an association or convention of churches, a convention mission agency,
44 or an integrated auxiliary of a church or convention or association of churches, when such
45 entity is qualified as an exempt religious organization under Section 501(c)(3) of the
46 Internal Revenue Code of 1986, as amended.

47 (b) No religious organization shall be required to rent, lease, or otherwise grant permission
48 for property to be used by another person for an event which is objectionable to such
49 religious organization.

50 (c) A refusal by a religious organization pursuant to subsection (b) of this Code section
51 shall not give rise to a civil claim or cause of action against such religious organization or
52 an employee thereof or result in any state action to penalize, withhold benefits from, or
53 discriminate against the religious organization or employee based on such refusal."

54 **SECTION 4.**

55 This Act shall become effective upon its approval by the Governor or upon its becoming law
56 without such approval.

57

SECTION 5.

58 All laws and parts of laws in conflict with this Act are repealed.