

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas As Engrossed: H3/5/25 H3/11/25 H3/12/25 H3/31/25

95th General Assembly

A Bill

Regular Session, 2025

HOUSE BILL 1615

By: Representatives Lundstrum, Beaty Jr., A. Brown, R. Burkes, Joey Carr, Hall, Ladyman, Long,
McAlindon, Rose, Torres, Unger

By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING RELIGIOUS
NONDISCRIMINATION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING RELIGIOUS
NONDISCRIMINATION.

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

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

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

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

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

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

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) "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 into marriage; or

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

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

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

SECTION 4. Arkansas Code Title 16, Chapter 123, Subchapter 6, is amended to add additional sections to read as follows:

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

(a) The state government shall license or certify any person that would otherwise be licensed or certified, respectively, for any purposes under state law but for a determination against the person wholly or partially on the basis that the person believes, maintains policies and

procedures, or acts in accordance with a sincerely held religious belief, including a belief about biological sex or marriage unless it is demonstrated that refusal of the license or certification of the person in this particular instance is:

- (1) Essential to further a compelling governmental interest; and
- (2) The least restrictive means of furthering that compelling governmental interest.

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

- (1) Essential to further a compelling governmental interest; and
- (2) The least restrictive means of furthering that compelling governmental interest.

(c) As a condition of obtaining or maintaining a college or graduate degree, license, or certification to engage in certain occupations or professions, the state government shall not require a person to be a member of any occupational organization that requires its members to assist or provide professional services to a client or potential client in pursuit of goals, outcomes, or behaviors that conflict with a sincerely held religious belief held by the person unless it is demonstrated that the requirement that the person be a member of the occupational organization in this particular instance is:

- (1) Essential to further a compelling governmental interest; and
- (2) The least restrictive means of furthering that compelling governmental interest.

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

(1) Essential to further a compelling governmental interest; and
(2) The least restrictive means of furthering that compelling governmental interest.

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

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

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

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

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

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

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

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

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

(2) Maintains separate dress codes, restrooms, spas, baths,

showers, dressing rooms, locker rooms, or other intimate facilities or settings based on biological sex.

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

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

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

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

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

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

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

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

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

/s/Lundstrum