AN ACT concerning religious freedoms with respect to marriage.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Notwithstanding any other provision of law, no individual or religious entity shall be required by any governmental entity to do any of the following, if it would be contrary to the sincerely held religious beliefs of the individual or religious entity regarding sex or gender:

(a) Provide any services, accommodations, advantages, facilities, goods, or privileges; provide counseling, adoption, foster care and other social services; or provide employment or employment benefits, related to, or related to the celebration of, any marriage, domestic partnership, civil union or similar arrangement;

(b) solemnize any marriage, domestic partnership, civil union or similar arrangement; or

(c) treat any marriage, domestic partnership, civil union or similar arrangement as valid.

Sec. 2. (a) Notwithstanding any other provision of law, no refusal by an individual or religious entity to engage in any activity described in section 1, and amendments thereto, shall result in:

(1) A civil claim or cause of action under state or local law based upon such refusal; or

(2) an action by any governmental entity to penalize, withhold benefits from, discriminate against or otherwise disadvantage any protected individual or religious entity, under any state or local law.

(b) Any individual or religious entity named in or subject to a civil action, an administrative action or any action by a governmental entity may immediately assert the protections provided by section 1, and amendments thereto, or this section, as a defense by moving to dismiss such action. If the motion to dismiss is filed in an action before an administrative tribunal, within 15 days after the filing of such motion any party to such action may elect to transfer jurisdiction of such action to a district court with proper venue. Within 60 days after such transfer of jurisdiction, the district court shall decide whether the claimed protection applies. The district court shall not permit any additional discovery or fact-finding prior to making its decision.

(c) If a governmental entity, or any person asserts a claim or cause of
action, or takes any adverse action against an individual or religious entity
in violation of subsection (a), such individual or religious entity shall be
entitled upon request to recover all reasonable attorney fees, costs and
damages such individual or religious entity incurred as a result of such
violation.

(d) If an individual employed by a governmental entity or other non-
religious entity invokes any of the protections provided by section 1, and
amendments thereto, as a basis for declining to provide a lawful service
that is otherwise consistent with the entity's duties or policies, the
individual's employer shall either promptly provide another employee to
provide such service, or shall otherwise ensure that the requested service is
provided, if it can be done without undue hardship to the employer.

Sec. 3. As used in sections 1 through 4, and amendments thereto:

(a) "Religious entity" means an organization, regardless of its non-
profit or for-profit status, and regardless of whether its activities are
deemed wholly or partly religious, that is:

(1) A religious corporation, association, educational institution or
society;

(2) an entity operated, supervised or controlled by, or connected with,
a religious corporation, association, educational institution or society; or

(3) a privately-held business operating consistently with its sincerely
held religious beliefs, with regard to any activity described in section 1,
and amendments thereto.

(b) "Governmental entity" means any state office or officer,
department, board, commission, institution, bureau or any agency, division
or unit within any office, department, board, commission or other state
authority, and any political or taxing subdivision of this state constituted
under or acting under the authority of the laws of this state, including, but
not limited to, any county, city, municipality, township, district, postsecondary educational institution, as defined by K.S.A. 74-3201b, and
amendments thereto, or quasi-public corporation or other quasi-public
entity.

Sec. 4. (a) If any word, phrase, clause or provision of sections 1
through 4, and amendments thereto, or the application of any such word,
phrase, clause or provision to any person or circumstance is held invalid,
the remaining provisions shall be given effect without the invalid portion
and to this end the provisions of sections 1 through 4, and amendments
thereto, are severable.

(b) Nothing in sections 1 through 4, and amendments thereto, shall be
construed to allow any individual or entity, acting under color of state law
to perform any marriage prohibited by state law, including, but not limited
to, laws relating to plural marriage, incest, consanguinity and marriageable
age.
(c) Nothing in sections 1 through 4, and amendments thereto, shall be construed to authorize any governmental discrimination or penalty against any individual or religious entity based upon its performance, facilitation or support of any celebrations of same-gender unions or relationships.

(d) The provisions of sections 1 through 4, and amendments thereto, shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by their terms and by the constitutions of this state and the United States of America.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.