

HOUSE BILL 16

D4

6lr0354

(PRE-FILED)

By: **Delegate Metzgar**

Requested: July 6, 2015

Introduced and read first time: January 13, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Marriage – Religious Organizations – Protections**

3 FOR the purpose of codifying certain provisions of law establishing protections for certain
4 individuals and entities that refuse to solemnize certain marriages or provide certain
5 services, accommodations, or goods related to marriage if the individuals or entities
6 have a certain relationship with certain religious organizations; prohibiting certain
7 officials from being required to solemnize or officiate a particular marriage or
8 religious rite of a marriage under certain circumstances; providing for the
9 construction of this Act; and generally relating to marriage ceremonies and religious
10 exemptions.

11 BY repealing and reenacting, without amendments,
12 Article – Family Law
13 Section 2–406(a)(2)(i) and (g)
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2015 Supplement)

16 BY adding to
17 Article – Family Law
18 Section 2–406(h) and (i)
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2015 Supplement)

21 BY repealing and reenacting, without amendments,
22 Chapter 2 of the Acts of the General Assembly of 2012
23 Section 2 and 3

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
25 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

Article – Family Law

2 2–406.

3 (a) (2) A marriage ceremony may be performed in this State by:

4 (i) any official of a religious order or body authorized by the rules
5 and customs of that order or body to perform a marriage ceremony;6 (g) This section does not affect the right of any religious denomination to perform
7 a marriage ceremony in accordance with the rules and customs of the denomination.8 (H) (1) AN OFFICIAL OF A RELIGIOUS ORDER OR BODY AUTHORIZED BY
9 THE RULES AND CUSTOMS OF THAT ORDER OR BODY TO PERFORM A MARRIAGE
10 CEREMONY MAY NOT BE REQUIRED TO SOLEMNIZE OR OFFICIATE ANY PARTICULAR
11 MARRIAGE OR RELIGIOUS RITE OF ANY MARRIAGE IN VIOLATION OF THE RULES,
12 CUSTOMS, OR RELIGIOUS BELIEFS OF THE RELIGIOUS ORDER OR BODY.13 (2) AN OFFICIAL OF A RELIGIOUS ORDER OR BODY AUTHORIZED TO
14 JOIN INDIVIDUALS IN MARRIAGE UNDER SUBSECTION (A) OF THIS SECTION WHO
15 FAILS OR REFUSES TO JOIN INDIVIDUALS IN MARRIAGE IS NOT SUBJECT TO ANY FINE
16 OR OTHER PENALTY FOR THE FAILURE OR REFUSAL.17 (I) (1) A RELIGIOUS ORGANIZATION, ASSOCIATION, OR SOCIETY, OR ANY
18 NONPROFIT INSTITUTION OR ORGANIZATION OPERATED, SUPERVISED, OR
19 CONTROLLED BY A RELIGIOUS ORGANIZATION, ASSOCIATION, OR SOCIETY, OR ANY
20 EMPLOYEE OF A RELIGIOUS ORGANIZATION, ASSOCIATION, OR SOCIETY ACTING
21 WITHIN THE SCOPE OF THE INDIVIDUAL'S EMPLOYMENT, MAY NOT BE REQUIRED TO
22 PROVIDE SERVICES, ACCOMMODATIONS, FACILITIES, GOODS, OR PRIVILEGES TO AN
23 INDIVIDUAL IF THE REQUEST FOR THE SERVICES, ACCOMMODATIONS, FACILITIES,
24 GOODS, OR PRIVILEGES IS RELATED TO THE SOLEMNIZATION OF A MARRIAGE OR
25 CELEBRATION OF A MARRIAGE THAT VIOLATES THE ENTITY'S RELIGIOUS BELIEFS.26 (2) A REFUSAL BY AN ENTITY OR INDIVIDUAL DESCRIBED IN
27 PARAGRAPH (1) OF THIS SUBSECTION TO PROVIDE SERVICES, ACCOMMODATIONS,
28 FACILITIES, GOODS, OR PRIVILEGES IN ACCORDANCE WITH PARAGRAPH (1) OF THIS
29 SUBSECTION MAY NOT CREATE A CIVIL CLAIM OR CAUSE OF ACTION OR RESULT IN
30 ANY STATE ACTION TO PENALIZE, WITHHOLD BENEFITS FROM, OR DISCRIMINATE
31 AGAINST THE ENTITY OR INDIVIDUAL.

32 Chapter 2 of the Acts of 2012

33 SECTION 2. AND BE IT FURTHER ENACTED, That an official of a religious order
34 or body authorized by the rules and customs of that order or body to perform a marriage
35 ceremony may not be required to solemnize or officiate any particular marriage or religious

1 rite of any marriage in violation of the right to free exercise of religion guaranteed by the
2 First Amendment to the United States Constitution and by the Maryland Constitution and
3 Maryland Declaration of Rights. Each religious organization, association, or society has
4 exclusive control over its own theological doctrine, policy teachings, and beliefs regarding
5 who may marry within that faith. An official of a religious order or body authorized to join
6 individuals in marriage under § 2-406(a)(2)(i) of the Family Law Article and who fails or
7 refuses to join individuals in marriage is not subject to any fine or other penalty for the
8 failure or refusal.

9 SECTION 3. AND BE IT FURTHER ENACTED, That:

10 (a) Notwithstanding any other provision of law, a religious organization,
11 association, or society, or any nonprofit institution or organization operated, supervised, or
12 controlled by a religious organization, association, or society, may not be required to provide
13 services, accommodations, advantages, facilities, goods, or privileges to an individual if the
14 request for the services, accommodations, advantages, facilities, goods, or privileges is
15 related to:

16 (1) the solemnization of a marriage or celebration of a marriage that is in
17 violation of the entity's religious beliefs; or

18 (2) the promotion of marriage through any social or religious programs or
19 services, in violation of the entity's religious beliefs, unless State or federal funds are
20 received for that specific program or service.

21 (b) A refusal by an entity described in subsection (a) of this section, or of any
22 individual who is employed by an entity described in subsection (a) of this section, to
23 provide services, accommodations, advantages, facilities, goods, or privileges in accordance
24 with subsection (a) of this section may not create a civil claim or cause of action or result in
25 any State action to penalize, withhold benefits from, or discriminate against the entity or
26 individual.

27 (c) Nothing in this Act shall be deemed or construed to prohibit any religious
28 organization, association, or society, or any nonprofit institution or organization operated,
29 supervised, or controlled by a religious organization, association, or society, from limiting
30 admission to or giving preferences to individuals of the same religion or denomination when
31 otherwise permitted by law.

32 SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act may be
33 construed to limit or impair any right or privilege granted under any State or federal law.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2016.