WEST virginia Legislature

2021 regular session

Introduced

House Bill 3158

By Delegate Holstein

[Introduced March 15, 2021; Referred to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, and §5-30-4, all relating to ensuring protections for religious freedom in the State of West Virginia; providing generally a means by which to respect religious and political speech; creating conscientious protections for the preventive care mandate; and creating religious liberty guidance.

Be it enacted by the Legislature of West Virginia:

ARTICLE 30. promoting free speech and religious liberty ACT.

§5-30-1. Policy.

It shall be the policy of the State of West Virginia to ensure a robust protection for religious freedom. The Founders of our Country envisioned a nation in which religious voices and views were integral to a vibrant public square, and in which religious people and institutions were free to practice their faith without fear of discrimination or retaliation by the Federal Government or the Government of the State of West Virginia. For that reason, the United States Constitution and the West Virginia Constitution enshrines and protects the fundamental right to religious liberty as Americans’ first freedom. Federal and state law protects the freedom of Americans and their organizations to exercise religion and participate fully in civic life without undue interference by the Federal or State Government.

§5-30-2. Respecting religious and political speech.

All departments and agencies in West Virginia shall, to the greatest extent practicable and to the extent permitted by law, respect and protect the freedom of persons and organizations to engage in religious and political speech. In particular, the State of West Virginia shall ensure, to the extent permitted by law, that the state does not take any adverse action against any individual, house of worship, or other religious organization on the basis that such individual or organization speaks or has spoken about moral or political issues from a religious perspective, where speech of similar character has, consistent with law, not ordinarily been treated as participation or intervention in a political campaign on behalf of (or in opposition to) a candidate for public office by the state. As used in this section, the term “adverse action” means the imposition of any tax or tax penalty; the delay or denial of tax-exempt status; the disallowance of tax deductions for contributions made to entities exempted from taxation under section 501(c)(3) of title 26, United States Code; or any other action that makes unavailable or denies any tax deduction, exemption, credit, or benefit.

§5-30-3. Conscience protections with respect to preventive-care mandate.

The secretary of all agencies in West Virginia shall consider issuing amended regulations, consistent with applicable law, to address conscience-based objections to the preventive-care mandate promulgated under section 300gg–13(a)(4) of title 42, United States Code.

§5-30-4. Religious liberty guidance.

In order to guide all agencies in complying with relevant federal and state law, the West Virginia Attorney General shall, as appropriate, issue guidance interpreting religious liberty protections in federal and state law.

NOTE: The purpose of this bill is to ensure protection for religious freedom and religious speech in West Virginia.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.