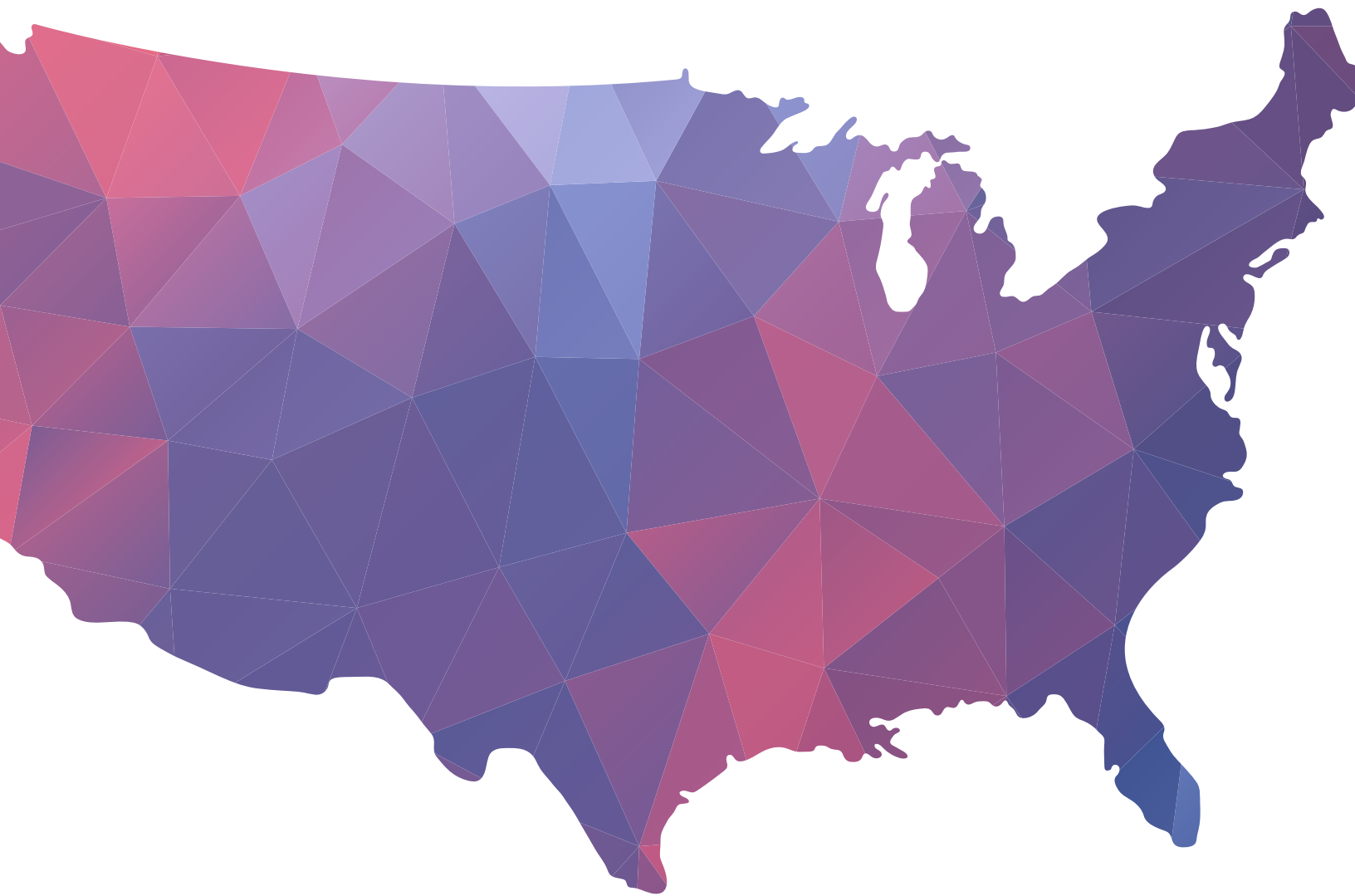


# 2018 STATE OF THE SECULAR STATES

A Review of State Law and Policy Affecting the  
Separation of Religion and Government



**AMERICAN  
ATHEISTS**  
atheists.org



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# INTRODUCTION

## THIS REPORT

In the past several years there has been an increasing interest in religious equality and awareness of efforts to erode the separation of religion and government, and much of that attention has been focused at the federal level. This is unsurprising given the many ways that the federal government can impact the religious liberty and the basic rights of people across the country, including in areas such as access to health care and civil rights protections.

However, this focus on the federal government often overshadows the critical ways that states can either protect religious equality or compromise the separation of religion and government, which is the bedrock of our religious liberty. Over the last year, American Atheists has shifted its focus to state policy matters. We seek to engage advocates and constituents to empower their advocacy on state and local policy issues, working together to advance policies based on reason, respect, and religious equality.

At the same time, however, we are seeing increasing activity by Christian nationalists working to impose their false conception of “religious freedom,” where they are exempt from following the law simply because of their beliefs.

We are pleased, therefore, to announce our inaugural State of the Secular States report for 2018, a comprehensive evaluation of statewide laws and policies affecting the separation of religion and government in each state as well as the District of Columbia. This report examines both positive and negative state laws and policies in four broad areas—state constitutional protections, schools and youth, health care and wellness, and special privileges for religion—assessing over 30 related law and policy measures.

The State of the Secular States report will be a powerful tool for advocates and for lawmakers. It will allow us to set benchmarks regarding the current status of

religious equality in each state, to better understand those provisions already in the law which compromise the separation of religion and government, and to set goals for advocacy to protect religious liberty for everyone. We hope this report raises awareness about how state law impacts religious equality and helps foster a broader understanding of the types of state laws and policies which should concern atheists and secularists.



Alison Gill  
Legal & Policy Director

## OUR ORGANIZATION

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America.

When referencing this document, we recommend the following citation:

Gill, A.M. (2018). State of the Secular States 2018. Cranford, NJ: American Atheists.

## ACKNOWLEDGEMENTS

This report requires a significant amount of meticulous research to ensure the accuracy of each state scorecard. A significant portion of the research was conducted by American Atheists’ 2018 summer law clerks, Caroline Spalding and Sarah Siewe. Law clerks Letian Ge and Adriana Buenaventura also assisted with cross-checking and verification. We thank them for their meticulous research and their helpful insight into assessment of state law.

We thank Kelsey Lee, Fred Clarkson, and Heather Shumaker for their contributions to this report. We also thank Nick Fish for his expertise and advice during the course of this project. Finally, we thank Rachel Edler (racheledler.com) for donating her time and work to design such a beautiful and informative report.

## Activism Resources

In close coordination with more than 150 state and local affiliates across the country, American Atheists engages constituents to empower their advocacy on state and local matters.

We use cutting-edge tools to inform grassroots leaders about bills and policies that affect the separation of religion and government, and we help them amplify their outreach to lawmakers. Moreover, we support these efforts by providing advocacy resources, bill analysis, effective messaging, assistance with coalition building, and model legislation.

We are eager to work with state and local advocates on the various law and policy items described in this report. Please contact us by email at [legal@atheists.org](mailto:legal@atheists.org).

### State Legislation Tracker

<https://www.atheists.org/activism/state-legislation>

### American Atheists Action Center

<https://www.atheists.org/action>

# KEY DEVELOPMENTS IN STATE LAW & POLICY IN 2018

## Focus on Religion in Schools

For the first time in 2018, there was a wave of state legislation introduced in about 30 states to require public schools to display a religious message, “In God We Trust,” in classrooms, libraries, and other prominent locations. Because this is the national motto, advocates have been able to couch this legislation as being about US history or civics, rather than its true intent—to get a religious message into as many classrooms as possible and to create a false historical narrative about America being a Christian nation. This advocacy was part of a multi-state legislative campaign initiated by Christian nationalists known as Project Blitz (see sidebar on page 4).

While most of these bills were defeated in 2018, national motto mandates were passed in five states—Alabama, Arizona, Florida, Louisiana, and Tennessee—joining Arkansas, which passed such a bill in 2017. Other states saw different types of legislation to bring official endorsement of religion into the classroom. For example, Louisiana introduced a bill which would have allowed teachers to pray with students in school, so long as the parents had signed a waiver. While this measure passed the Louisiana House unanimously, it was so unconstitutional that even religious conservative activists opposed it, and so the final version signed into law has no notable legal effect.

It has been suggested that lawmakers are, in part, considering these bills about religion in the classroom because they can be justified due to a series of high-profile shootings in public schools. Rather than doing anything meaningful to make schools safer or reduce the frequency of such shootings, introducing religion into the classroom provides a “feel-good” solution to religious lawmakers while also pleasing religious conservatives. This is perhaps exemplified by a bizarre bill introduced in Indiana which would allow individuals on school property to carry guns

so long as they are attending religious ceremonies or attending a place of worship on school grounds. Fortunately, it did not pass.

## Religious Exceptions in Foster Care & Adoption

There was a strong push in 2018 to pass legislation which allows foster and adoption placement agencies to discriminate against would-be parents based on their religious beliefs. For example, these agencies may choose to discriminate against single people, atheists, religious minorities, LGBTQ people, or other groups they disfavor and still receive state funding. Not only are these bills an assault on religious liberty, they also harm vulnerable children by reducing the number of available foster families.

Although these laws have been passed in several states over the last five years, many more of them were introduced and passed in 2018 than in previous years, likely due to their association with Project Blitz (see sidebar). Ten such bills were introduced in 2018, and they were signed into law in three states—Kansas, Oklahoma, and South Carolina.

Some of these bills were more broad, allowing the providers to also discriminate against youth they disfavor, such as LGBTQ youth, atheists, and members of religious minorities. In at least a few bills, foster parents would be protected even if they subject the foster youth to religious indoctrination or dangerous practices such as conversion therapy.

## Protecting Youth from Religion-Based Harm

In 2018, there were strong efforts to pass legislation to protect young people from the harm caused by religious beliefs and practices, including bills to protect LGBTQ youth from dangerous and discredited conversion therapy, to remove existing

# Project Blitz: A Christian Nationalist State Legislative Campaign

By Frederick Clarkson,  
Senior Research Analyst, Political Research Associates

Project Blitz is an initiative of a coalition of Christian Right groups seeking to advance a package of legislation in the states. The package comprises 20 model bills, seemingly unrelated and ranging widely in content—from requiring public schools to display the national motto, “In God We Trust,” to legalizing discrimination against LGBTQ people to religious exemptions regarding women’s reproductive health. But the project’s 116-page strategy manual, which has been widely reported on in the media, reveals a practical strategy for the long-term implementation of the bills, as well as a vision for advancing their Christian Nation narrative, in a way that shows how they see the bills as connected.

The principal organization behind the two-year-old Project Blitz is the Chesapeake, Virginia-based Congressional Prayer Caucus Foundation, an offshoot of the Congressional Prayer Caucus, both creations of former Rep. Randy Forbes (R-VA). Their manual reveals a sophisticated level of coordination and strategizing that echoes the American Legislative Exchange Council (ALEC), which infamously networks pro-business state legislators, drafts sample legislation, and shares legislative ideas and strategies. As of 2018, there are 29 state legislative prayer caucuses responsible for moving this legislation.

In 2018, five state legislatures passed the first of the 20 bills. They mandated that every public school prominently display the U.S. motto, “In God We Trust.” The states are Alabama, Florida, Arizona, Louisiana and Tennessee. (Arkansas passed one last year.) In Florida and Louisiana, Democrats played leading roles in sponsoring the bill. Three other states—Kansas, Oklahoma, and South Carolina—passed bills in line with another Project Blitz priority, allowing foster care and adoption placement agencies to discriminate based on their religious beliefs.

Overall, some 70 bills based on the model bills were introduced, and about a dozen passed in 2018. Building on this momentum, and in light of the limited scope of the Masterpiece Cakeshop ruling in the last term of the Supreme Court, it is likely that legislation seeking exemption from a range of civil rights laws will be introduced, with some passing and likely to be tested in court.

laws which excuse child deaths due to faith healing, and to protect minors from forced child marriage. Fortunately, several of these bills were quite successful. This year, Delaware, Hawaii, Maryland, New Hampshire, and Washington all added provisions to protect young people from licensed medical and mental health practitioners who practice harmful conversion therapy. This makes 2018 the most successful year thus far in passing such measures, and several other states are now considering similar bills.

For the first time, two states—Delaware and New Jersey—have passed bills which protect young people from child marriage by prohibiting minors from marrying under any circumstances. Unfortunately, other states have laws which allow religious groups to endanger young people—particularly young women—by forcing them to get married as young as 12 years old. Sadly, this frequently results in sexual abuse, poverty, and other negative outcomes, and it leaves these young people without legal options to escape.

Several states have also considered bills to remove religious exceptions to child negligence laws, which allow parents, guardians, and religious leaders to avoid responsibility for deaths due to faith healing. Unfortunately, while several states considered such bills, none were passed in 2018.

# OUTLOOK FOR 2019

Two major factors will affect the state legislative landscape in 2019: the continued efforts by Christian nationalists to push forward harmful legislation and the replacement of retiring United States Supreme Court Associate Justice Anthony Kennedy with Associate Justice Brett Kavanaugh. Combined with an already difficult political environment for the separation of religion and government, the concept of religious freedom itself is under attack in areas from religious coercion in schools to religious exceptions allowing service denial and discrimination in foster care and child welfare. We are very likely to see rapid and wide-ranging efforts to undermine reproductive justice, which will endanger women's rights—and even their lives—through forced child-birth. At the same time, there is reason for hope when it comes to protecting young people from religion-based harm.

## Anti-Abortion Bills

Associate Justice Anthony Kennedy played a key role on the US Supreme Court regarding protections for reproductive choice, and with his retirement, anti-abortion advocates are likely to push forward state legislation to undermine access to abortion and related medical procedures. These bills can take many forms, ranging from those which flatly ban abortion to bills which set an unreasonable time limit for abortions (such as six weeks after conception), to bills which create so many burdens on the women seeking abortions or the doctors performing them that they are all but impossible to obtain safely and legally. For Christian extremists, introducing this type of harmful legislation serves two purposes: reduce access to abortion and also eventually get cases heard before the Supreme Court in order to overrule decisions like *Roe v. Wade* which protect reproductive rights. Whether it's positive or negative, we expect to see a dramatic increase across the country in legislation dealing with reproductive health—even in states with more liberal political environments.

## Religious Display Bills

As in 2018, we are likely to see an increasing number of state bills introduced to require schools and other public buildings to have religious displays of the motto “In God We Trust” or of the Ten Commandments. This will come through Project Blitz (see sidebar on page 4), an effort to generate a false narrative that the United States was founded as a Christian nation and to undermine the separation of religion and government. American Atheists and partner organizations are working to oppose these measures and to educate lawmakers about how they create a coercive religious environment in schools.

## Religious Exceptions Bills

In 2019, we are likely to see more states attempt to pass bills creating special exceptions to a variety of laws based on religious belief, in areas such as foster care and adoption along with marriage-related products and services. In 2018, there have been significant efforts at the federal level to require states to allow religious discrimination in foster care. For example, one measure would severely cut federal funding for any states that provide civil rights protections against religious discrimination, and, as of 2018, 46 states have such protections in place. Creating these special rights for religious placement agencies to deny service and harm at-risk children has been a priority for Christian nationalists (see sidebar on page 4).

Building upon the 2018 *Masterpiece Cakeshop v. Colorado Civil Rights Commission* decision, in which the Supreme Court dismissed civil rights claims against a bakery for discriminating against a same-sex couple because of supposed “religious animus,” there are likely to be a number of bills introduced in state legislatures to create religious exceptions in public accommodations and nondiscrimination laws. While we can't predict the form these bills might take—they may be creatively drafted to bring



in the animus elements or they may be typical religious exceptions—the purpose of such legislation is to undermine civil rights laws protecting LGBTQ people and other groups.

## Youth Protection Bills

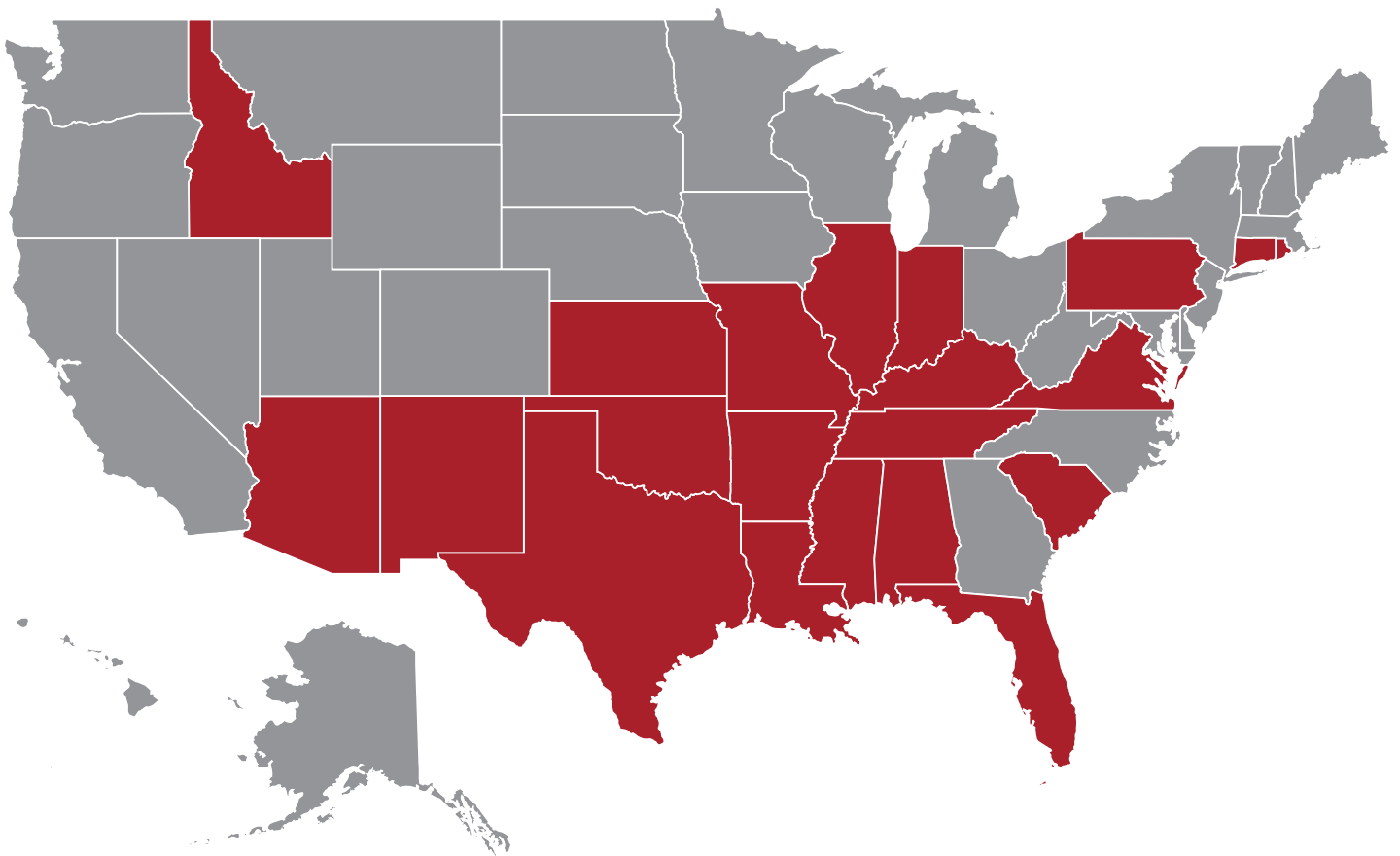
While there is likely to be a lot of harmful state legislation in 2019, we also see glimmers of hope. Legislation to protect youth from harmful conversion therapy was very successful in 2018, and more states will be considering such bills in 2019. Similarly, bills to protect young people from forced child marriage will continue to be introduced, and they are likely to make significant progress in several states. Although bills to repeal faith healing exceptions made only limited progress in 2018, the issue is rapidly gaining awareness and support. In 2019, at least a few states will likely repeal religious exceptions to child negligence laws.

# RELIGIOUS FREEDOM RESTORATION ACTS

Based on Supreme Court precedent, the US Constitution's Free Exercise Clause does not limit the ability of the federal government to pass neutral laws of general applicability, even if they incidentally burden religious expression. The court has noted that to do otherwise would allow individual religious belief to supersede neutral laws, resulting in an unworkable society where laws could not be applied evenly.

Despite this warning, Congress passed the Religious Freedom Restoration Act (RFRA) at the federal level, and a number of states have followed by passing their own version of this law. RFRA requires the government to meet a more difficult test when they burden religious expression—they must provide that the government interest is compelling and that they used the least restrictive means to achieve that interest.

Over time, as predicted by the Supreme Court, RFRA has been misused at both the state and federal levels to carve out exemptions that privilege religious expression. Christian extremists seek to apply these laws in new ways, such as undermining civil rights laws that protect LGBTQ people and women from discrimination. This map indicates states that have statutory language which achieves the same effect as the federal RFRA.



■ **STATES THAT HAVE LAWS WHICH CREATE EXCEPTIONS TO GENERAL LAWS BASED ON RELIGIOUS BELIEF (21 STATES)**

Alabama  
Arkansas  
Arizona  
Connecticut  
Florida  
Idaho  
Illinois

Indiana  
Kansas  
Kentucky  
Louisiana  
Missouri  
Mississippi  
New Mexico

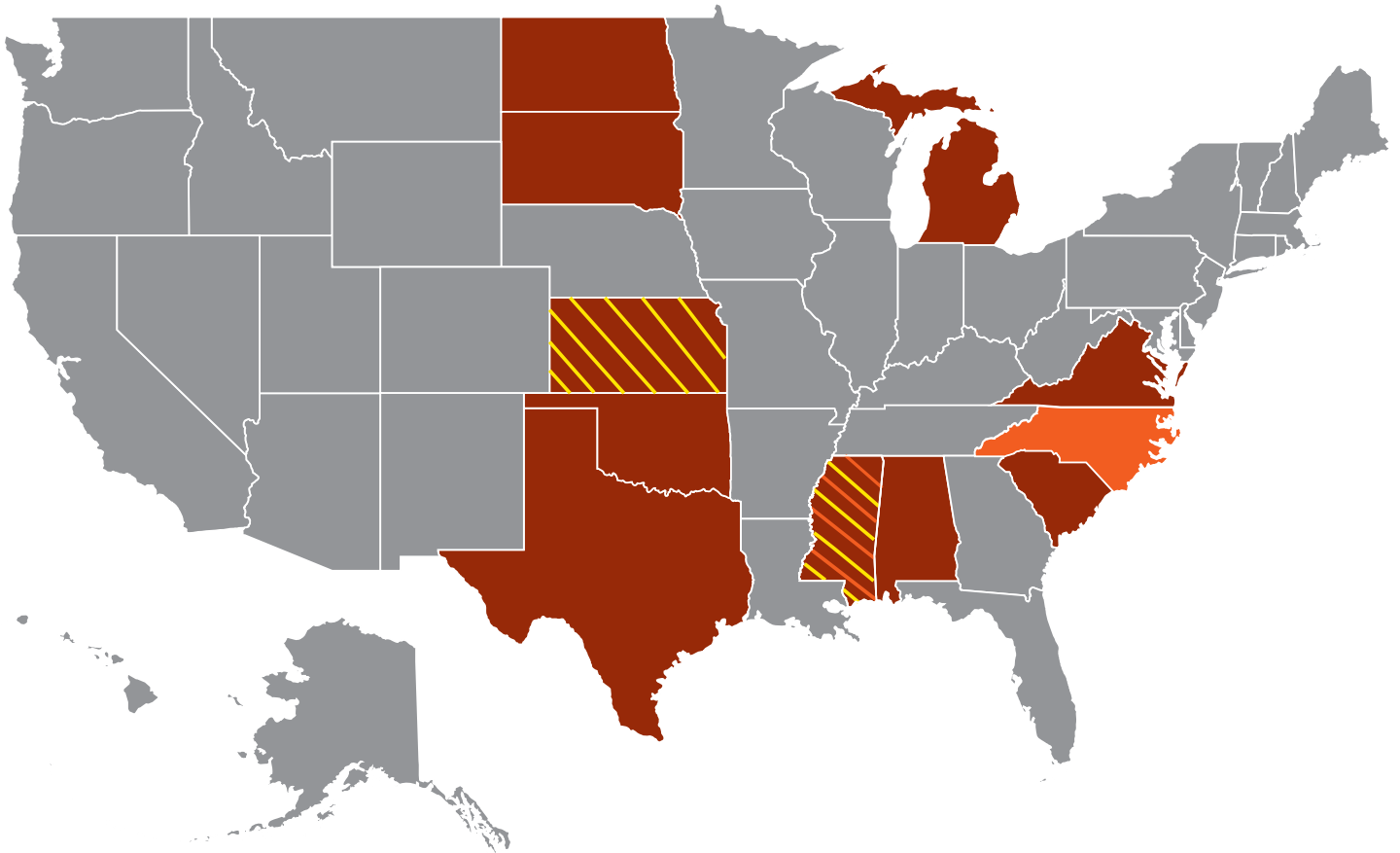
Oklahoma  
Pennsylvania  
Rhode Island  
South Carolina  
Tennessee  
Texas  
Virginia

# RELIGIOUS EXCEPTIONS TO ENFORCEMENT

While there are innumerable ways in which exceptions for religious beliefs could be inserted into neutral, generally applicable laws, this map indicates specific types of religious exceptions frequently sought by Christian extremists. For example, several states allow foster care and adoption agencies which receive state funding to freely discriminate against potential parents, and sometimes even vulnerable youth, on the basis of their religion. This most negatively impacts single people, LGBTQ people, atheists, and religious minorities. Moreover, these laws harm foster youth statewide by reducing the number of qualified families, thereby preventing youth from finding loving, permanent homes.

A few states have created exceptions to civil rights laws, allowing individuals and businesses to use religion to discriminate against same-sex couples based on their beliefs about marriage. Not surprisingly, none of these states actually provided nondiscrimination protections for LGBTQ people in public accommodations in the first place. Regardless, these religious exceptions are stigmatizing and harmful.

A few states allow state officials, such as county clerks and judges, to opt out of providing government services to same-sex couples because of their beliefs about marriage. Although these laws typically require that the couple be served by other officials, that may not be possible in some offices. Regardless, the couple is subject to discrimination that is based on religion and sponsored by the government.



**■ STATES THAT HAVE LAWS WHICH ALLOW FOR CHILD WELFARE AGENCIES TO DISCRIMINATE BASED ON RELIGIOUS BELIEF (10 STATES)**

- |             |                |          |
|-------------|----------------|----------|
| Alabama     | North Dakota   | Texas    |
| Kansas      | Oklahoma       | Virginia |
| Michigan    | South Carolina |          |
| Mississippi | South Dakota   |          |

**■ STATES THAT HAVE LAWS WHICH ALLOW MARRIAGE-RELATED BUSINESSES TO DISCRIMINATE BASED ON RELIGIOUS BELIEF (2 STATES)**

- |        |             |
|--------|-------------|
| Kansas | Mississippi |
|--------|-------------|

**■ STATES THAT HAVE LAWS WHICH ALLOW STATE OFFICIALS TO OPT OUT OF PERFORMING MARRIAGE-RELATED DUTIES BASED ON RELIGIOUS BELIEF (2 STATES)**

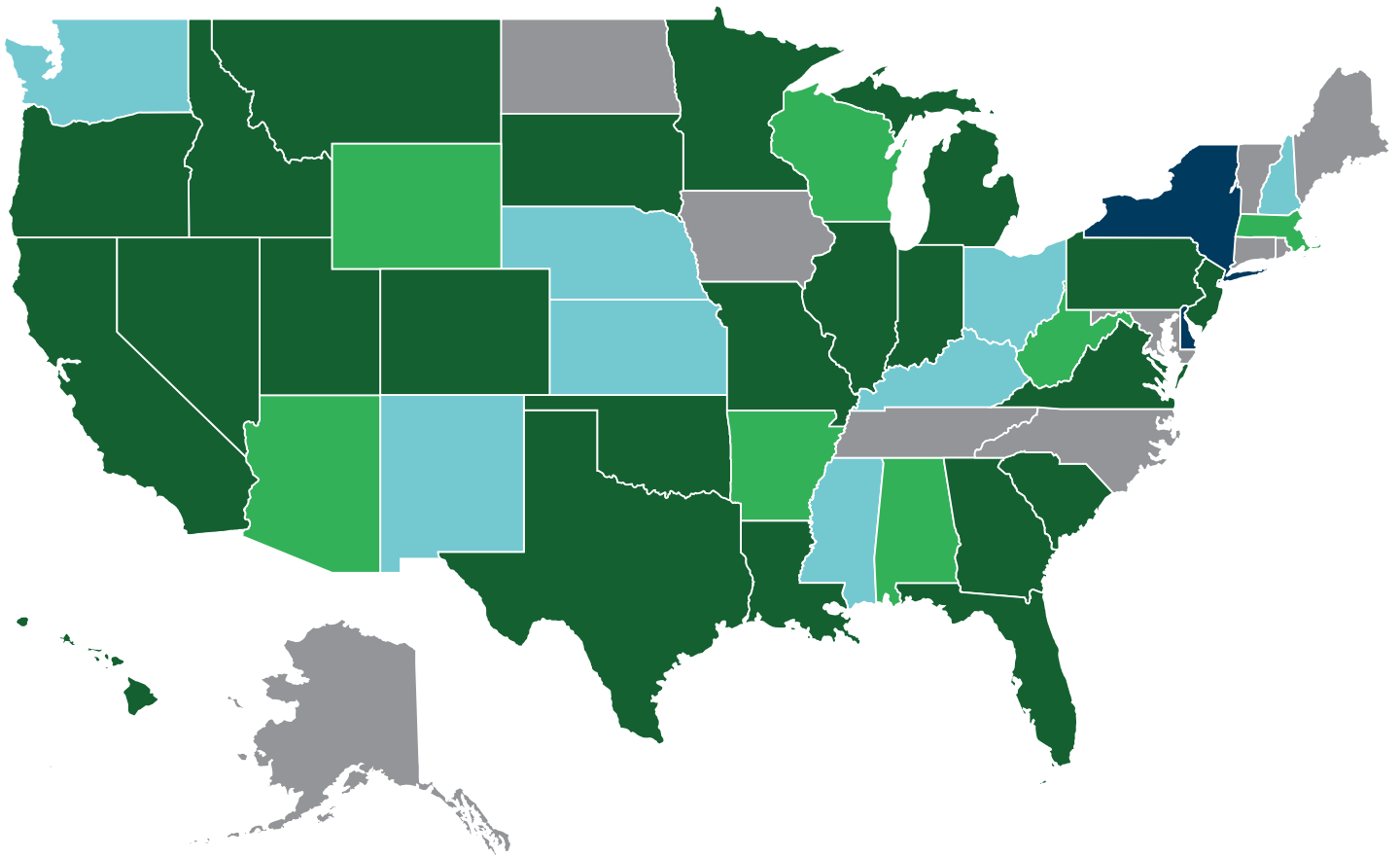
- |                |             |
|----------------|-------------|
| North Carolina | Mississippi |
|----------------|-------------|

# CONSTITUTIONAL NO AID CLAUSES

This map indicates whether a state constitution has a No Aid Clause, which is a provision prohibiting a state from granting funds to certain types of religious organizations. Most state constitutions include some type of No Aid Clause in order to ensure government neutrality on religious matters and foster a strong separation between religion and government.

These clauses vary in scope. Some apply only to religious schools while others prevent state funds from being granted to any religious organization. Correspondingly, they may only prohibit direct funding by the state, or they may prohibit any transfer of state funds for religious purposes.

No Aid Clauses sometimes face opposition by religious groups because they may limit the ability of states to set up school voucher systems, which divert public school funding to religious schools.



**STATES WITH CONSTITUTIONAL PROVISIONS WHICH PROHIBIT DIRECT PUBLIC FUNDING ONLY FOR RELIGIOUS EDUCATIONAL ORGANIZATIONS (8 STATES)**

- |             |               |            |
|-------------|---------------|------------|
| Kansas      | Nebraska      | Ohio       |
| Kentucky    | New Hampshire | Washington |
| Mississippi | New Mexico    |            |

**STATES WITH CONSTITUTIONAL PROVISIONS WHICH PROHIBIT DIRECT AND INDIRECT PUBLIC FUNDING ONLY FOR RELIGIOUS EDUCATIONAL ORGANIZATIONS (2 STATES)**

- |          |          |
|----------|----------|
| Delaware | New York |
|----------|----------|

**STATES WITH CONSTITUTIONAL PROVISIONS WHICH PROHIBIT DIRECT PUBLIC FUNDING FOR ALL RELIGIOUS ORGANIZATIONS (7 STATES)**

- |          |               |         |
|----------|---------------|---------|
| Arkansas | Massachusetts | Wyoming |
| Alabama  | Wisconsin     |         |
| Arizona  | West Virginia |         |

**STATES WITH CONSTITUTIONAL PROVISIONS WHICH PROHIBIT DIRECT AND INDIRECT PUBLIC FUNDING FOR ALL RELIGIOUS ORGANIZATIONS (23 STATES)**

- |            |           |            |                |          |
|------------|-----------|------------|----------------|----------|
| California | Idaho     | Minnesota  | Oklahoma       | Texas    |
| Colorado   | Illinois  | Missouri   | Oregon         | Utah     |
| Florida    | Indiana   | Montana    | Pennsylvania   | Virginia |
| Georgia    | Louisiana | New Jersey | South Carolina |          |
| Hawaii     | Michigan  | Nevada     | South Dakota   |          |

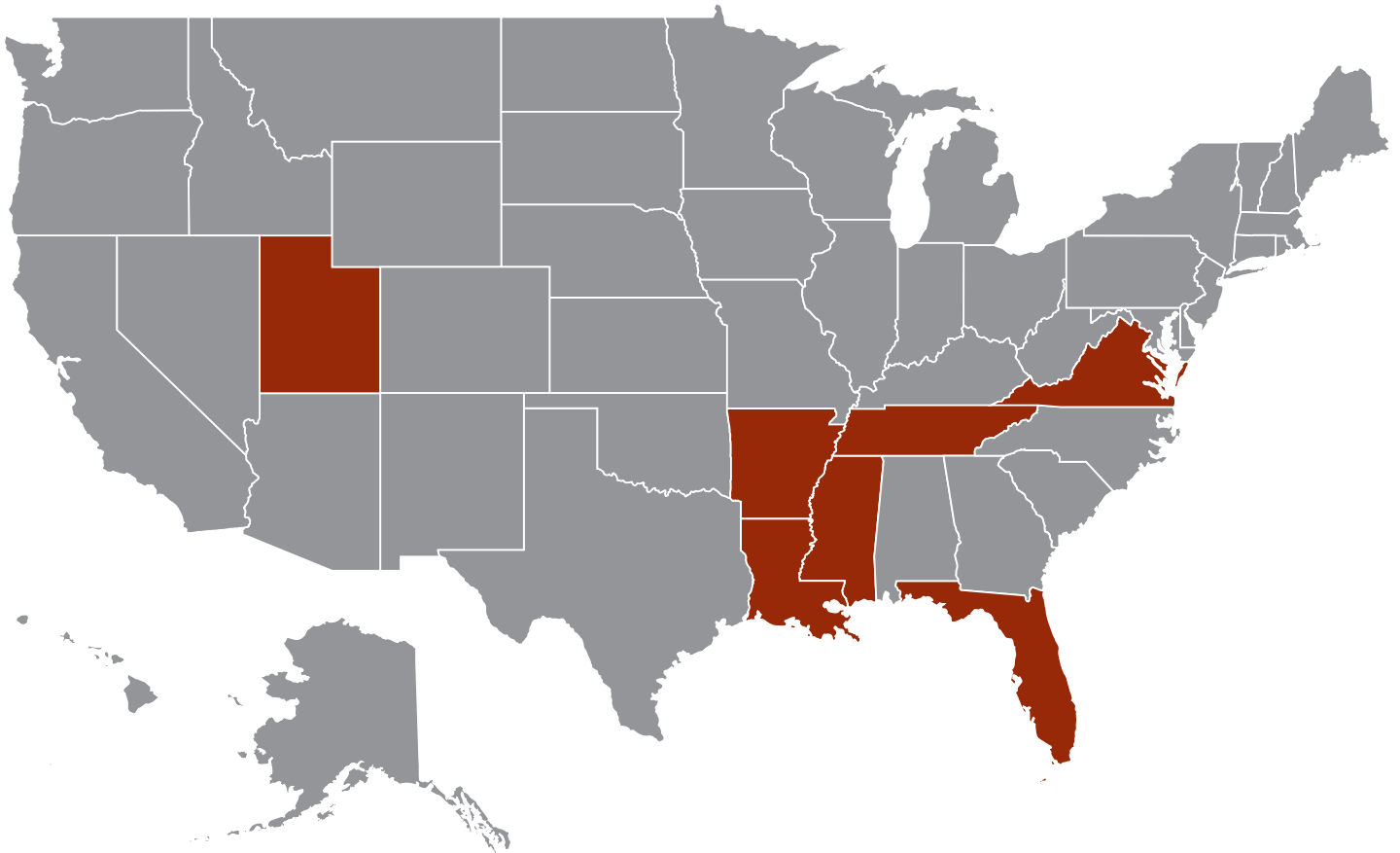
# MANDATORY RELIGIOUS DISPLAYS

This map indicates laws which require schools (often in addition to other public buildings) to display the national motto, “In God We Trust,” or other religious messages. These laws often require that the display materials be donated and not paid for with state funds.



*In 2017, Arkansas passed legislation requiring public schools to display “In God We Trust” posters in every classroom.*





■ **STATES THAT HAVE LAWS WHICH REQUIRE SCHOOLS OR OTHER PUBLIC BUILDINGS TO DISPLAY THE NATIONAL MOTTO OR OTHER RELIGIOUS MATERIALS (7 STATES)**

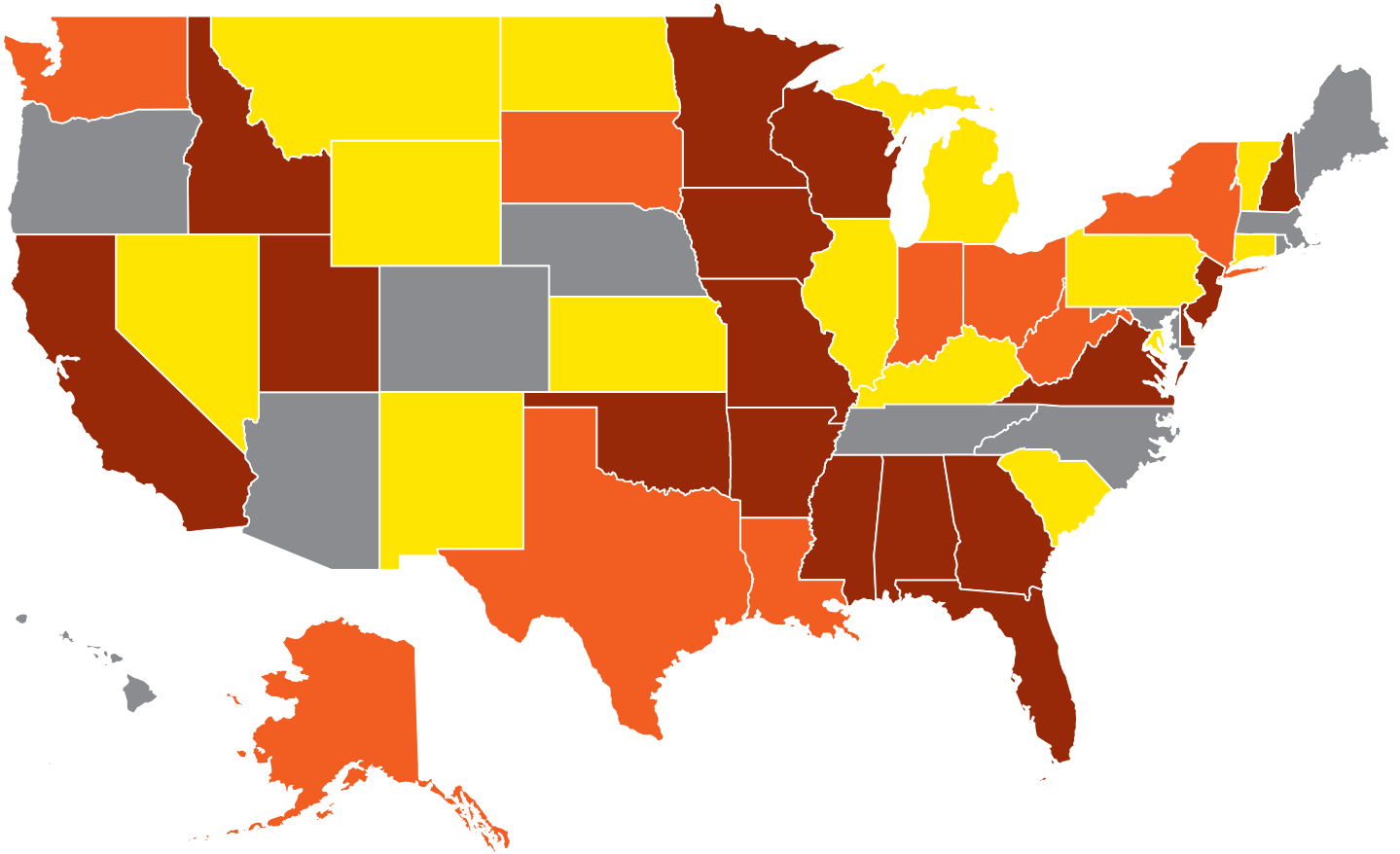
Arkansas  
Florida  
Louisiana

Mississippi  
Tennessee  
Utah

Virginia

# RELIGIOUS EXCEPTIONS TO CHILD PROTECTIONS FOR FAITH HEALING

This map indicates the presence of laws or policies which carve holes into child negligence or medical neglect laws, protecting individuals from legal consequences for the far-too-frequent tragic outcomes of faith healing imposed on minors. These laws typically protect the faith healers and parents or guardians from any penalties when a child dies or is severely harmed as a result of these practices or if the child was denied appropriate treatment for religious reasons. In these cases, law enforcement has limited ability to prosecute. States may make religious exceptions in civil liability, criminal laws, or both.



**■ STATES THAT HAVE CHILD NEGLIGENCE LAWS WITH BOTH CIVIL AND CRIMINAL EXCEPTIONS TO EXCUSE HARM DUE TO FAITH HEALING (17 STATES)**

- |            |           |               |           |
|------------|-----------|---------------|-----------|
| Alabama    | Georgia   | Mississippi   | Virginia  |
| Arkansas   | Iowa      | New Hampshire | Wisconsin |
| California | Indiana   | New Jersey    |           |
| Delaware   | Minnesota | Oklahoma      |           |
| Florida    | Missouri  | Utah          |           |

**■ STATES THAT HAVE CHILD NEGLIGENCE LAWS WITH ONLY CIVIL EXCEPTIONS TO EXCUSE HARM DUE TO FAITH HEALING (13 STATES & DC)**

- |             |              |                |                |
|-------------|--------------|----------------|----------------|
| Connecticut | Michigan     | Nevada         | Washington, DC |
| Illinois    | Montana      | Pennsylvania   | Wyoming        |
| Kansas      | North Dakota | South Carolina |                |
| Kentucky    | New Mexico   | Vermont        |                |

**■ STATES THAT HAVE CHILD NEGLIGENCE LAWS WITH ONLY CRIMINAL EXCEPTIONS TO EXCUSE HARM DUE TO FAITH HEALING (9 STATES)**

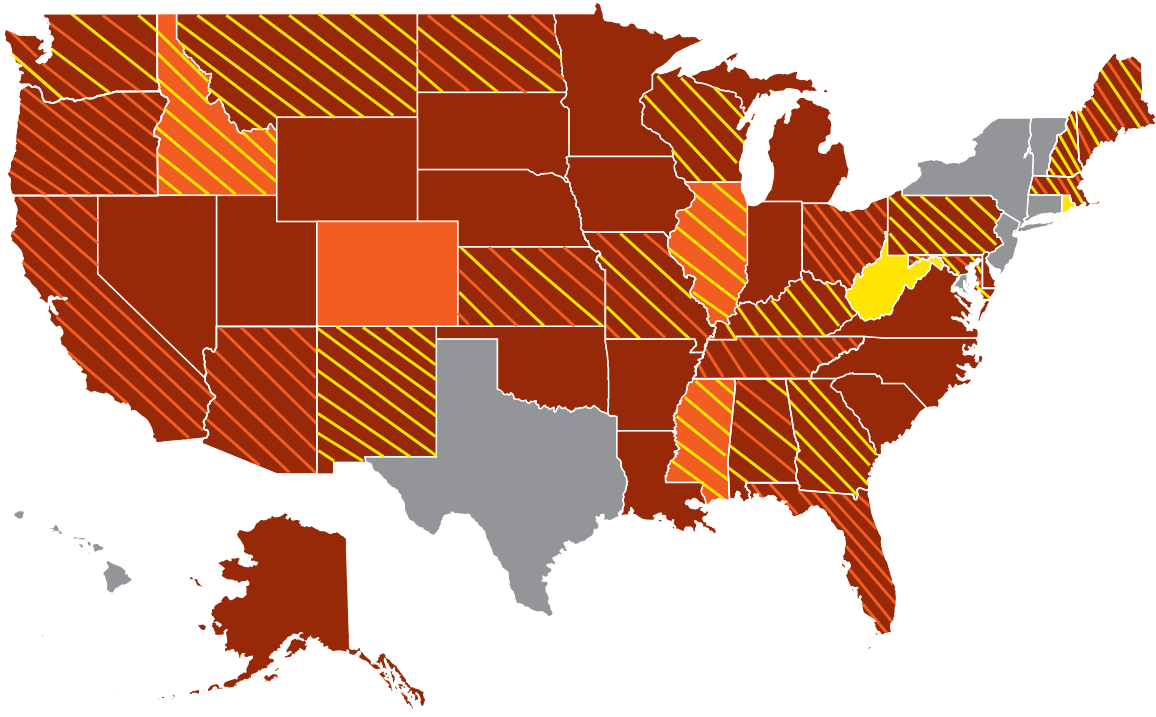
- |           |              |               |
|-----------|--------------|---------------|
| Alaska    | New York     | Texas         |
| Indiana   | Ohio         | Washington    |
| Louisiana | South Dakota | West Virginia |

# RELIGIOUS REFUSALS IN HEALTH CARE

This map indicates which states have laws and policies that allow religious health care providers, including both individual health care workers and institutional providers, to act or refrain from acting in accordance with existing law if it conflicts with their religious beliefs. Often called “freedom of conscience” laws, these provisions may effectively supersede rules of professional ethics, medical best practices, and protections against medical negligence in order to privilege the religious beliefs of providers. These laws most often allow providers to refuse services relating to abortion, contraception, and sterilization, but some states have even broader exceptions.

While many religious refusal laws echo existing exceptions at the federal level, states may pass laws which apply exceptions more broadly or to institutions that do not receive federal funding. As indicated by color and pattern, some states allow only private institutions to refuse to provide abortion services, while others have broader provisions which allow any health care institution to refuse to provide such care. States may also have laws which allow at least some health care providers to refuse to provide contraception and/or sterilization services.

Some states specifically allow health care providers to receive licensure or accreditation, or to be treated as if they were licensed or accredited, if they are denied licensure or accreditation for a reason that conflicts with their religious beliefs. For example, if a professional accrediting organization prohibits discrimination against LGBTQ patients, a health care provider can still be considered accredited if they feel compelled by their religious beliefs to discriminate against a patient.



**STATES WITH LAWS WHICH ALLOW PRIVATE OR RELIGIOUS HEALTH CARE INSTITUTIONS TO REFUSE TO PROVIDE ABORTION SERVICES BASED ON RELIGIOUS BELIEF (41 STATES)**

- |            |               |                |                |            |
|------------|---------------|----------------|----------------|------------|
| Alaska     | Iowa          | Maine          | New Mexico     | Utah       |
| Alabama    | Idaho         | Michigan       | Nevada         | Virginia   |
| Arizona    | Illinois      | Minnesota      | Ohio           | Washington |
| Arkansas   | Indiana       | Missouri       | Oklahoma       | Wisconsin  |
| California | Kansas        | Mississippi    | Oregon         | Wyoming    |
| Delaware   | Kentucky      | Montana        | Pennsylvania   |            |
| Florida    | Louisiana     | North Carolina | South Carolina |            |
| Georgia    | Massachusetts | North Dakota   | South Dakota   |            |
| Hawaii     | Maryland      | Nebraska       | Tennessee      |            |

**STATES WITH LAWS WHICH ALLOW AT LEAST SOME HEALTH CARE PROVIDERS TO REFUSE TO PROVIDE CONTRACEPTION SERVICES BASED ON RELIGIOUS BELIEF (17 STATES)**

- |            |               |              |            |
|------------|---------------|--------------|------------|
| Alabama    | Florida       | Missouri     | Tennessee  |
| Arkansas   | Idaho         | Mississippi  | Washington |
| Arizona    | Illinois      | North Dakota |            |
| California | Kansas        | Ohio         |            |
| Colorado   | Massachusetts | Oregon       |            |

**STATES WITH LAWS WHICH ALLOW AT LEAST SOME HEALTH CARE PROVIDERS TO REFUSE TO PROVIDE STERILIZATION SERVICES BASED ON RELIGIOUS BELIEF (21 STATES)**

- |          |               |               |              |               |
|----------|---------------|---------------|--------------|---------------|
| Alabama  | Kansas        | Missouri      | New Mexico   | West Virginia |
| Arkansas | Kentucky      | Mississippi   | Pennsylvania |               |
| Georgia  | Massachusetts | Montana       | Rhode Island |               |
| Idaho    | Maryland      | North Dakota  | Washington   |               |
| Illinois | Maine         | New Hampshire | Wisconsin    |               |

# ISSUE ANALYSIS & CATEGORIZATION

This report identifies four categories of public policy in each state that affect religious equality: State Constitutional Protections, Schools & Youth, Healthcare & Wellness, and Special Privileges for Religion. In each category, provisions and laws that positively and negatively impact equality are listed in bold along with a brief explanation of the topic.

## State Constitutional Protections

Nearly every state constitution has provisions that echo the critical protections for religious liberty created by the US Constitution. These protections form the bedrock of our constitutional order by both ensuring that everyone is free to believe and that no one's beliefs are favored by the government. They are meant to ensure that the government treats everyone equally, regardless of their religion or if they reject religion altogether.

## POSITIVE PROVISIONS

### **State Establishment Clause and Free Exercise Clause**

This term indicates that the state constitution has a provision analogous to the First Amendment's Establishment Clause or Free Exercise Clause: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Many state constitutions reiterate the important protections enshrined in the First Amendment to the US Constitution. These clauses may be interpreted in accordance with federal law precedent, or state courts may interpret them to provide a greater level of protection for the separation of religion and government than under federal law.

### **No Aid Clause**

This indicates that the state constitution has a No Aid Clause, which is a provision prohibiting a state from granting funds to certain types of religious organizations. Most state constitutions include some type of No Aid Clause in order to ensure government neutrality on religious matters and foster a strong separation between religion and government. These clauses vary in scope. Some apply only to religious schools while others prevent state funds from being granted to any religious organization. Correspondingly, they may only prohibit direct funding by the state or they may prohibit any transfer of state funds for religious purposes.

No Aid Clauses sometimes face opposition by religious groups because they may limit the ability of states to set up school voucher systems, which divert public school funding to religious schools.

### **Strong Taxpayer Standing**

This is applied to states which historically recognize standing for taxpayers to bring suit against unconstitutional expenditures of state funds. Standing is a legal term which indicates that someone is qualified to pursue a legal claim in court. When a state or local government exceeds the bounds of its constitution or the US Constitution, (by expending money to endorse a religion, for example) generally the only way to prevent that expenditure is for individuals to bring suit in court.

At the federal level, there has been gradual erosion of taxpayer standing doctrines, which may prevent individuals from suing the government in federal court. States, however, are not bound by this federal-level precedent, and while some states have incorporated elements of federal standing doctrine into their jurisprudence, others use different approaches to ensure access to the courts. Strong

taxpayer standing doctrines allow citizens to challenge unconstitutional uses of taxpayer funds, including violations of the separation of religion and government.

## NEGATIVE PROVISIONS

### *Religious Tests for Office*

While the US Constitution states that “no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States,” this provision has not always been understood to apply to state offices. Consequently, several state constitutions require office-holders to swear a religious oath or for candidates to practice a specific religion. Others explicitly prohibit atheists or nonbelievers from holding office. It is generally understood that these provisions are unconstitutional and without effect, but they may remain in state law or the state constitution despite being voided by a court. This term is applied to provisions that remain part of the state constitution or state law.

## Schools & Youth

It is perhaps unsurprising that the bulk of negative legislation sought by religious extremists targets, or has a disproportionate impact, on youth. Young people, particularly those who aren't already being influenced by a church, are an easy target for indoctrination. Research shows that individuals raised within a particular religious faith are likely to remain in that faith as they age. Young people also have unique vulnerabilities that make them more susceptible to religious recruitment. For example, they are vulnerable to peer pressure, they are still in the process of identity development, and they have yet to fully develop their capacity for reason.

Moreover, in recent years there has been significant advocacy by religious extremists to pass legislation to convince young people that America was founded as a Christian nation in order to propagate a false, Christian nationalist version of history. This effort

seeks to enshrine revisionist history into the law, conflate founding documents with religious ones, teach biblical history in schools, and require religious displays in schools.

Because young people depend on the care of others, they are especially vulnerable to the religious beliefs of their parents and caretakers. Sadly, religious beliefs are all too often used to justify conduct which can have a severely negative and lifelong impact on young people, including denial of medical care or dangerous practices like conversion therapy.

This section includes a list of positive laws designed to protect young people from lasting harm caused by the religious beliefs of others and a list of negative laws aiming to allow religious extremists to indoctrinate young people and/or propagate a Christian nationalist version of history.

**“It is perhaps unsurprising that the bulk of negative legislation sought by religious extremists targets, or has a disproportionate impact, on youth.”**

# Child Marriage in the United States

By Kelsey Lee  
Director of Policy and Advocacy, Unchained At Last

Child marriage is a significant, widespread problem in the US. It is a human-rights abuse that primarily affects girls, with devastating consequences. While the minimum marriage age in most states is 18, legal loopholes in 48 states allow those younger than 18 to marry. Laws in 19 states do not specify any minimum age for marriage.

Unchained At Last recently conducted research to determine the full extent of America's child marriage problem. The results were shocking. In the 38 states alone that record marriage-age data, more than 167,000 children as young as 12 were married between 2000 and 2010. Almost all were girls wed to adult men. Extrapolating from available data, Unchained estimates that 248,000 children were married nationwide between 2000–2010.

Before they become legal adults—which, in most states, happens at age 18—children can easily be forced into marriage or forced to stay in a marriage. They face overwhelming legal and practical barriers if they try to leave home, access a domestic-violence shelter, retain an attorney, or bring a legal action.

Child marriage has catastrophic, long-lasting effects on girls, undermining their health, education, and economic opportunities while increasing their risk of experiencing violence. Further, child marriages are rarely successful, with 70 to 80 percent of marriages before age 18 ending in failure. Research shows that divorced teenage mothers are more likely to suffer economic deprivation and instability than teenage mothers who stay single.

Unchained At Last leads a growing national movement to end child marriage in America. We spearheaded the efforts in the first two states to eliminate child marriage: Delaware and New Jersey. However, child marriage remains largely legal in the US. Let's change that and end child marriage in America.

## POSITIVE LAWS & POLICIES

### **Protection from Child Marriage**

This area indicates laws which prohibit individuals below the age of majority (usually 18) from marrying. Because exceptions, such as those allowing parental consent, can be misused to harm children, we are only counting those laws which flatly prohibit the marriage of minors.

This issue is critically important because too often, marriages occur in religious sects where very young girls are forced to marry men much older than them. Child brides forced into marriage have few options. As minors, they face legal dead-ends: their parents still have custody rights and organizations and shelters are unable to interfere with those rights. As a result, these children remain with abusive families and husbands, and they are often removed from school, raped, and live in poverty. The only way to give child brides the legal right to say “no” to marriage is to eliminate the ability of minors to marry.

### **Protection from Conversion Therapy**

This includes laws that are designed to protect LGBTQ youth from dangerous and discredited conversion therapy. Conversion therapy consists of a variety of harmful practices which falsely claim to change a person's sexual orientation, gender identity, or gender expression. These laws generally apply through licensing restrictions that prevent licensed medical and mental health providers from conducting conversion therapy on youth under the age of 18. Other laws may explicitly identify conversion therapy as a form of fraud under the state's consumer protection laws.

### **Sex Education**

This is an area where state laws and policies interact with sex education in the state's public schools, which can and should play an important role in providing comprehensive and medically accurate sex education. Comprehensive sex education helps to foster healthy relationships and development, it reduces



the risk of unintended pregnancy, and it reduces the risk of sexually transmitted infections (STIs).

Under this analysis, a state offers comprehensive sex education if its laws require public schools to provide it, and if that education covers a wide range of issues beyond abstinence. A program is considered comprehensive if it teaches abstinence as the best method for avoiding STIs and unintended pregnancy, but it also teaches that contraception reduces the risk of unintended pregnancy and infection from STIs, including HIV. These programs also teach interpersonal and other communication skills that help young people explore their own values, goals, and options.

A state's public school sex education curriculum is considered "abstinence only" if there are laws mandating that programs must exclusively or primarily promote abstinence from sexual activity outside of marriage. By doing so, these programs tell students that abstinence is an unmarried person's only moral option. This category also includes "abstinence-plus" education, which provides information about contraception in the context of strong abstinence messages.

Some sex education laws prohibit educators from discussing LGBTQ topics in school or mandate that such topics be presented negatively. While these laws usually apply only to sex education, they are frequently being applied more broadly by school districts. Many of these laws are not enforced, but they may still have a negative impact on LGBTQ students and the school environment.

## **NEGATIVE LAWS & POLICIES**

### ***Anti-Science Education Laws***

These are laws which allow educators to present non-scientific religious doctrine as scientific fact, most often relating to evolution. Other typical laws may require teaching about "controversies" in areas where religious doctrine conflicts with generally accepted science.

### ***Elective Bible Courses***

These are laws which allow or require that schools offer elective classes on the Christian Bible as a historical or literary document. Research on these classes shows that while it may be technically possible for a public school to offer a course on the Bible that uses it solely for historical or literary purposes, most schools that offer such courses purposefully use them to proselytize and involve students in religious activities.

### ***Mandatory Religious Displays***

These are laws which require schools (often in addition to other public buildings) to display the national motto, "In God We Trust," or other religious messages. These laws often require that the display materials be donated and not paid for with state funds.

### ***Prohibitions on Student Non-Discrimination Policies***

These laws prevent public universities from having non-discrimination policies for student organizations. Generally, these universities may have non-discrimination policies that student organizations must agree to follow in order to receive funding. However, some states have passed laws that require universities to allow student groups to discriminate on the basis of religion. Religious organizations advocate for these laws so that they can exclude students of other religions or other groups they disfavor, like LGBTQ people.

### ***School Voucher Programs***

This indicates whether state law establishes school voucher programs. School vouchers divert state funding from public education to private educational institutions, the majority of which are religious. Many states have laws which either allow school vouchers statewide or create pilot voucher programs.

# Religious Refusals of Health Care

By Heather Shumaker,  
Senior Counsel, National Women's Law Center

Across the nation, health care providers are refusing to give patients health care, information, and referrals because of their own moral or religious beliefs. State and federal laws—known as religious exemption laws—often allow such refusals, enabling hospitals and individual health care providers to determine a patient's care based on their religious beliefs, not based on what is best for the patient's health and circumstances. But a health care provider's religious beliefs should never determine the care a patient receives.

When health care providers refuse to provide health care based on religious beliefs, patients' health and lives are put in danger. Examples of refusals to provide health care include: hospitals that refuse to provide women with abortion or life-saving miscarriage management, hospitals that refuse to provide sterilization procedures, health care providers that refuse to provide care to LGBTQ individuals, and health care providers that refuse to treat patients living with HIV.

Some health care providers also refuse to provide patients with information about their health condition or referrals for appropriate care. Without complete information or referrals, patients may not have an accurate understanding of their condition or know the treatments available to them. These refusals violate patients' rights to informed consent under federal and state law and leave them without the information they need to make health care decisions for themselves.

Patients seeking medication at the pharmacy have also faced refusals because of religious beliefs, and they have been forced to leave without the medication they need.

Many states have laws that allow religious refusals of health care. But these laws are not only dangerous to patient health, they're also unpopular. A March 2017 nationally representative survey done on behalf of the National Women's Law Center found that a majority of voters oppose laws that allow insurers, hospitals, and other providers to refuse patients care because of religious objections. Voters also support policies that make sure all hospitals will provide a patient with the right care for her situation, including abortion.

Given efforts at the state and federal levels to support and expand religious refusals of health care, strong opposition to these laws—and proactive policies that improve access to health care—are needed now more than ever.

# Health Care & Wellness

For decades, religious conservatives have sought to impose their dogmas on health care laws, focusing on women's health care in particular. While court precedents have limited the effect that these extremist groups can have on federal law, these organizations have been able to push through religious exceptions and privileges affecting health care in nearly every state. Negative laws affecting health care generally relate to issues of paramount concern to religious conservatives: abortion, contraception, sterilization, end-of-life care, and faith healing. In addition to compromising the separation of religion and government, these intrusive laws and policies can also have a drastic negative impact on the lives of others by limiting access to essential health care.

## POSITIVE LAWS & POLICIES

### **Medical Aid-in-Dying Laws**

These laws allow a terminally ill, mentally competent adult to request and obtain medication that brings about a peaceful death. State law prohibitions on suicide, assisted suicide, and homicide do not apply to individuals taking appropriate actions in accordance with these laws.

## NEGATIVE LAWS & POLICIES

### **Religious Refusal Laws**

These laws allow religious providers, including individual health care workers and institutional providers, to act or refrain from acting in accordance with existing law if it conflicts with their religious beliefs. Often called "freedom of conscience" laws, these provisions may effectively supersede rules of professional ethics, medical

best practices, and protections against medical negligence in order to privilege the religious beliefs of providers. These laws most often allow providers to refuse services relating to abortion, contraception, and sterilization, but some states have even broader exceptions.

While many religious refusal laws echo existing exceptions at the federal level, states may pass laws which apply exceptions more broadly or to institutions that do not receive federal funding. As indicated in each scorecard, some states allow only private institutions to refuse to provide abortion services, while others have broader provisions which allow any health care institution to refuse to provide such care. States may also have laws which allow at least some health care providers to refuse to provide contraception and/or sterilization services.

Some states specifically allow health care providers to receive licensure or accreditation, or to be treated as if they were licensed or accredited, if they are denied licensure or accreditation for a reason that conflicts with their religious beliefs. For example, if a professional accrediting organization prohibits discrimination against LGBTQ patients, a health care provider can still be considered accredited if they feel compelled by their religious beliefs to discriminate against a patient.

## ***Negligence Exceptions for Faith Healing***

This area indicates laws or policies which create loopholes in child negligence or medical neglect laws, protecting individuals from legal consequences for the far-too-frequent tragic outcomes of faith healing imposed on minors. These laws typically protect the faith healers and parents or guardians from any penalties when a child dies or is severely harmed as a result of these practices, or if the child was denied appropriate treatment for religious reasons. In these cases, law enforcement has limited ability to prosecute. States may make religious exceptions in civil liability, criminal laws, or both.

# Special Privileges for Religion

Many states have laws which privilege religious organizations and religious beliefs. Such measures exempt individuals, groups, or businesses from particular legal requirements that conflict with their religious beliefs. Broader statutes allow religious individuals and groups to potentially avoid general legal requirements that burden their exercise of religion. Other statutes create special privileges for religious organizations and places of worship, allowing them to avoid taxes or other legal requirements that apply to other types of nonprofits.

Rather than enhancing religious freedom, these laws and policies do the opposite. They often seek to enshrine a particular set of religious beliefs (such as those held by Christian extremists) into the law by creating exceptions to specific legal requirements which are only relevant to those groups. For example, a state law may create a religious exception to civil rights laws specifically for wedding service providers so that they are not required to serve same-sex couples. Alternately, the law may allow a broader class of individuals and businesses to exert religious exceptions, but only in suspiciously narrow circumstances or to protect only certain beliefs, such as the belief that the only moral form of intercourse is between heterosexual married couples. Limited religious exceptions must exist for some laws in order to comply with the Free Exercise Clause of the First Amendment, but the exceptions religious extremists seek are significantly more widespread and far-reaching.

## ***Religious Freedom Restoration Acts***

Based on Supreme Court precedent, the US Constitution's Free Exercise Clause does not limit the ability of the federal government to pass neutral laws of general applicability, even if they incidentally burden religious expression. The court has noted that to do otherwise would allow individual religious belief to supersede neutral laws, resulting in an unworkable society where laws could not be applied

evenly. Despite this warning, Congress passed the Religious Freedom Restoration Act (RFRA) at the federal level, and a number of states have followed by passing their own versions of this law. RFRAs require the government to meet a more difficult test when they burden religious expression—they must prove that the government interest is compelling and that they used the least restrictive means to achieve that interest.

Over time, as predicted by the Supreme Court, RFRAs have been misused at both the state and federal levels to carve out exemptions that privilege religious expression. Christian extremists seek to apply these laws in new ways, such as undermining civil rights laws that protect LGBTQ people and women from discrimination. Our scorecards indicate which states have statutory language which achieves the same effect as the federal RFRA.

## ***Religious Exceptions to Enforcement***

While there are innumerable ways in which exceptions for religious beliefs could be inserted into neutral, generally applicable laws, these items indicate specific types of religious exceptions frequently sought by Christian extremists. For example, several states allow foster care and adoption agencies which receive state funding to freely discriminate against potential parents, and sometimes even vulnerable youth, for religious reasons. This most negatively impacts single people, LGBTQ people, atheists, and religious minorities. Moreover, these laws harm foster youth statewide by reducing the number of qualified families, thereby preventing youth from finding loving, permanent homes.

A few states have created exceptions to civil rights laws, allowing individuals and businesses to use religion to discriminate against same-sex couples based on their beliefs about marriage. Not surprisingly, none of these states actually provided nondiscrimination protections for LGBTQ people in public accommodations in the first place. Regardless,

these religious exceptions are stigmatizing and harmful.

A few states allow officials, such as county clerks and judges, to opt out of providing government services to same-sex couples because of their beliefs about marriage. Although these laws typically require that the couple be served by other officials, that may not be possible in some offices. Regardless, the couple is subject to discrimination that is based on religion and sponsored by the government.

## ***Tax Exemptions for Places of Worship***

Most states exempt churches and other places of worship as well as other religious organizations and other nonprofits from various state taxes. The scorecards, however, indicate laws or policies that provide special tax exemptions or limited filing requirements for religious organizations or places of worship that are different from other types of nonprofits. For example, some states allow religious organizations or places of worship to omit initial tax exemption documentation or to avoid filing annually. Such exceptions make it extremely challenging for the government to detect fraud and misconduct.

Most states offer tax exemptions for parsonages or other dwellings provided to clergy, in effect subsidizing their housing. Although similar provisions exist in federal law, we are identifying exemptions from state-level taxes.

Nearly every state offers tax exemptions for property owned by religious groups or places of worship, but such exemptions are not typically available to other nonprofits. In some instances, these exemptions are granted automatically to places of worship, but only granted to other nonprofits conditionally or after a lengthy approval process.

# ACKNOWLEDGING CONTEXT

## Research Process

Each scorecard assesses the presence or absence of statewide laws and policies affecting the separation of religion and government, either positively or negatively. Research for this project was conducted by the American Atheists Legal Center, a group of lawyers and law clerks. It was based on established criteria for each law and policy item and then compiled into a scorecard for each state. The data were drawn from publicly available sources.

For each law and policy item, we made evaluations based on the nature of the item, typical statewide laws and policies concerning that item, and our determination about best practices for that item. During the course of researching and drafting this report, a number of states passed relevant laws or policies. For this iteration, we have considered all state laws and policies passed as of July 9, 2018.

“Clauses” refer to state constitutional provisions. “Laws” refer to statewide statutes, either passed through the state’s legislative process or through referendum. “Policies” refer to administrative regulations and policies from a state executive agency that have a legal effect. “Court decisions” refer to final rulings by a relevant state or federal court with a statewide jurisdiction and for which the decision is controlling law.

## Implementation of Laws and Policies

State of the Secular States is an assessment of statewide law and policy that affect the separation of religion and government in each state as well as the District of Columbia. This report is intended to support advocacy on these issues, both by providing a benchmark for existing laws and policies and as a roadmap for how advocates can work to sustain the separation of religion and government in their own communities and states. However, this report is not an evaluation of statewide advocacy efforts. We

recognize that advocacy for statewide law and policy efforts relating to the separation of religion and government varies widely in different regions and is based on factors including state politics, historical context, legislative concerns, the state constitution, and countless others.

Moreover, this report does not measure the implementation of laws and policies that affect the separation of religion and government. It reviews only the presence or absence of the listed law and policy items. For example, we note in California’s scorecard that the state has a medical aid-in-dying law, but that law is currently not being implemented due to ongoing litigation. Similarly, we note that several states have religious tests for office in their constitutions even though those provisions are not currently operative.

## Future Categories

The inaugural 2018 publication of the State of the Secular States looks at more than 30 statewide law and policy criteria which affect the separation of religion and government. We intend to analyze additional criteria in future iterations of this report.

We are considering the following issues for future inclusion in this report:

- Nondiscrimination and education requirements associated with school vouchers and tax credits
- Legislative prayer practices
- Separation of religion and government in prisons
- Religious exceptions to school vaccination requirements
- Regulation of homeschooling
- Access to abortion

# NATIONAL

## SUMMARY

The numbers indicate the total number of states in which the relevant statewide law or policy is present. Positive laws or policies are indicated in blue and negative laws or policies are indicated in red.

### **STATE CONSTITUTIONAL PROTECTIONS**

**37** State Establishment Clause

**48** State Free Exercise Clause

#### **No Aid Clause:**

**31** Educational Organizations

**30** All Religious Organizations

**38** Direct Funding

**21** Indirect Funding

**19** Strong Taxpayer Standing

**8** Religious Tests for Office

### **SCHOOLS & YOUTH**

**2** Protection from Child Marriage

**14** Protection from Conversion Therapy

#### **Sex Education:**

**7** Comprehensive Sex Education

**28** Abstinence Only Sex Education

**6** Laws that Restrict Inclusion of LGBTQ Topics

**3** Anti-Science Education Laws

**7** Elective Bible Courses

**7** Mandatory Religious Displays

**7** Prohibitions on Student Non-Discrimination Policies

**12** School Voucher Programs

## **HEALTH CARE & WELLNESS**

### **8 Medical Aid-in-Dying Laws**

#### **Religious Refusal Laws:**

- 42** Private Institutions May Refuse Abortions
- 31** Any Institution May Refuse Abortions
- 17** Refusals Related to Contraception
- 21** Refusals Related to Sterilization
- 4** Professional Licensure

#### **Child Negligence Exceptions for Faith Healing:**

- 31** Civil Exceptions
- 26** Criminal Exceptions

## **SPECIAL PRIVILEGES FOR RELIGION**

### **21 Religious Freedom Restoration Acts**

#### **Religious Exceptions to Enforcement:**

- 10** Foster Care and Adoption
- 2** Marriage Related Services
- 2** State Officials

#### **Tax Exemptions for Places of Worship:**

- 15** Limited Required Filings
- 40** Parsonage Exemptions
- 49** Property Tax Exemptions

### **STATE CONSTITUTIONAL PROTECTIONS**

- **State Establishment Clause**
- **State Free Exercise Clause**
- No Aid Clause:**
  - Educational Organizations
  - All Religious Organizations
  - Direct Funding
  - Indirect Funding
- **Strong Taxpayer Standing**
- **Religious Tests for Office**

### **SCHOOLS & YOUTH**

- **Protection from Child Marriage**
- **Protection from Conversion Therapy**
- Sex Education:**
  - Comprehensive Sex Education
  - Abstinence Only Sex Education
  - Laws that Restrict Inclusion of LGBTQ Topics
- **Anti-Science Education Laws**
- **Elective Bible Courses**
- **Mandatory Religious Displays**
- **Prohibitions on Student Non-Discrimination Policies**
- **School Voucher Programs**



## **HEALTH CARE & WELLNESS**

### **Medical Aid-in-Dying Laws**

#### **Religious Refusal Laws:**

- Private Institutions May Refuse Abortions
- Any Institution May Refuse Abortions
- Refusals Related to Contraception
- Refusals Related to Sterilization
- Professional Licensure

#### **Child Negligence Exceptions for Faith Healing:**

- Civil Exceptions
- Criminal Exceptions

## **SPECIAL PRIVILEGES FOR RELIGION**

### **Religious Freedom Restoration Acts**

#### **Religious Exceptions to Enforcement:**

- Foster Care and Adoption
- Marriage Related Services
- State Officials

#### **Tax Exemptions for Places of Worship:**

- Limited Required Filings
- Parsonage Exemptions
- Property Tax Exemptions

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Statewide law or policy present     No statewide law or policy

Positive Law or Policy      Negative Law or Policy



For more information about the 2018 State of the Secular States Report, please visit [www.atheists.org/states](http://www.atheists.org/states)

### **STATE CONSTITUTIONAL PROTECTIONS**

- **State Establishment Clause**
- **State Free Exercise Clause**
- No Aid Clause:**
  - Educational Organizations
  - All Religious Organizations
  - Direct Funding
  - Indirect Funding
- **Strong Taxpayer Standing**
- **Religious Tests for Office**

### **SCHOOLS & YOUTH**

- **Protection from Child Marriage**
- **Protection from Conversion Therapy**
- Sex Education:**
  - Comprehensive Sex Education
  - Abstinence Only Sex Education
  - Laws that Restrict Inclusion of LGBTQ Topics
- **Anti-Science Education Laws**
- **Elective Bible Courses**
- **Mandatory Religious Displays**
- **Prohibitions on Student Non-Discrimination Policies**
- **School Voucher Programs**

## **HEALTH CARE & WELLNESS**

### **Medical Aid-in-Dying Laws**

#### **Religious Refusal Laws:**

- Private Institutions May Refuse Abortions
- Any Institution May Refuse Abortions
- Refusals Related to Contraception
- Refusals Related to Sterilization
- Professional Licensure

#### **Child Negligence Exceptions for Faith Healing:**

- Civil Exceptions
- Criminal Exceptions

## **SPECIAL PRIVILEGES FOR RELIGION**

### **Religious Freedom Restoration Acts**

#### **Religious Exceptions to Enforcement:**

- Foster Care and Adoption
- Marriage Related Services
- State Officials

#### **Tax Exemptions for Places of Worship:**

- Limited Required Filings
- Parsonage Exemptions
- Property Tax Exemptions

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Statewide law or policy present     No statewide law or policy

Positive Law or Policy      Negative Law or Policy



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### **STATE CONSTITUTIONAL PROTECTIONS**

- **State Establishment Clause**
- **State Free Exercise Clause**
- No Aid Clause:**
  - Educational Organizations
  - All Religious Organizations
  - Direct Funding
  - Indirect Funding
- **Strong Taxpayer Standing**
- **Religious Tests for Office**

### **SCHOOLS & YOUTH**

- **Protection from Child Marriage**
- **Protection from Conversion Therapy**
- Sex Education:**
  - Comprehensive Sex Education
  - Abstinence Only Sex Education
  - Laws that Restrict Inclusion of LGBTQ Topics
- **Anti-Science Education Laws**
- **Elective Bible Courses**
- **Mandatory Religious Displays**
- **Prohibitions on Student Non-Discrimination Policies**
- **School Voucher Programs**

## **HEALTH CARE & WELLNESS**

### **Medical Aid-in-Dying Laws**

#### **Religious Refusal Laws:**

- Private Institutions May Refuse Abortions
- Any Institution May Refuse Abortions
- Refusals Related to Contraception
- Refusals Related to Sterilization
- Professional Licensure

#### **Child Negligence Exceptions for Faith Healing:**

- Civil Exceptions
- Criminal Exceptions

## **SPECIAL PRIVILEGES FOR RELIGION**

### **Religious Freedom Restoration Acts**

#### **Religious Exceptions to Enforcement:**

- Foster Care and Adoption
- Marriage Related Services
- State Officials

#### **Tax Exemptions for Places of Worship:**

- Limited Required Filings
- Parsonage Exemptions
- Property Tax Exemptions

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Statewide law or policy present     No statewide law or policy

Positive Law or Policy      Negative Law or Policy



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# ARKANSAS

## SCORECARD

### **STATE CONSTITUTIONAL PROTECTIONS**

- **State Establishment Clause**
- **State Free Exercise Clause**
- No Aid Clause:**
  - Educational Organizations
  - All Religious Organizations
  - Direct Funding
  - Indirect Funding
- **Strong Taxpayer Standing**
- **Religious Tests for Office**

### **SCHOOLS & YOUTH**

- **Protection from Child Marriage**
- **Protection from Conversion Therapy**
- Sex Education:**
  - Comprehensive Sex Education
  - Abstinence Only Sex Education
  - Laws that Restrict Inclusion of LGBTQ Topics
- **Anti-Science Education Laws**
- **Elective Bible Courses**
- **Mandatory Religious Displays**
- **Prohibitions on Student Non-Discrimination Policies**
- **School Voucher Programs**

## **HEALTH CARE & WELLNESS**

### **Medical Aid-in-Dying Laws**

#### **Religious Refusal Laws:**

- Private Institutions May Refuse Abortions
- Any Institution May Refuse Abortions
- Refusals Related to Contraception
- Refusals Related to Sterilization
- Professional Licensure

#### **Child Negligence Exceptions for Faith Healing:**

- Civil Exceptions
- Criminal Exceptions

## **SPECIAL PRIVILEGES FOR RELIGION**

### **Religious Freedom Restoration Acts**

#### **Religious Exceptions to Enforcement:**

- Foster Care and Adoption
- Marriage Related Services
- State Officials

#### **Tax Exemptions for Places of Worship:**

- Limited Required Filings
- Parsonage Exemptions
- Property Tax Exemptions

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Statewide law or policy present     No statewide law or policy

Positive Law or Policy      Negative Law or Policy



For more information about the 2018 State of the Secular States Report, please visit [www.atheists.org/states](http://www.atheists.org/states)

# CALIFORNIA

## SCORECARD

### **STATE CONSTITUTIONAL PROTECTIONS**

- **State Establishment Clause**
- **State Free Exercise Clause**
- No Aid Clause:**
  - Educational Organizations
  - All Religious Organizations
  - Direct Funding
  - Indirect Funding
- **Strong Taxpayer Standing**
- **Religious Tests for Office**

### **SCHOOLS & YOUTH**

- **Protection from Child Marriage**
- **Protection from Conversion Therapy**
- Sex Education:**
  - Comprehensive Sex Education
  - Abstinence Only Sex Education
  - Laws that Restrict Inclusion of LGBTQ Topics
- **Anti-Science Education Laws**
- **Elective Bible Courses**
- **Mandatory Religious Displays**
- **Prohibitions on Student Non-Discrimination Policies**
- **School Voucher Programs**



## **HEALTH CARE & WELLNESS**

### **● Medical Aid-in-Dying Laws**

#### **Religious Refusal Laws:**

- Private Institutions May Refuse Abortions
- Any Institution May Refuse Abortions
- Refusals Related to Contraception
- Refusals Related to Sterilization
- Professional Licensure

#### **Child Negligence Exceptions for Faith Healing:**

- Civil Exceptions
- Criminal Exceptions

## **SPECIAL PRIVILEGES FOR RELIGION**

### **○ Religious Freedom Restoration Acts**

#### **Religious Exceptions to Enforcement:**

- Foster Care and Adoption
- Marriage Related Services
- State Officials

#### **Tax Exemptions for Places of Worship:**

- Limited Required Filings
- Parsonage Exemptions
- Property Tax Exemptions

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Statewide law or policy present     No statewide law or policy

Positive Law or Policy      Negative Law or Policy



For more information about the 2018 State of the Secular States Report, please visit [www.atheists.org/states](http://www.atheists.org/states)

# COLORADO

## SCORECARD

### **STATE CONSTITUTIONAL PROTECTIONS**

- **State Establishment Clause**
- **State Free Exercise Clause**
- No Aid Clause:**
  - Educational Organizations
  - All Religious Organizations
  - Direct Funding
  - Indirect Funding
- **Strong Taxpayer Standing**
- **Religious Tests for Office**

### **SCHOOLS & YOUTH**

- **Protection from Child Marriage**
- **Protection from Conversion Therapy**
- Sex Education:**
  - Comprehensive Sex Education
  - Abstinence Only Sex Education
  - Laws that Restrict Inclusion of LGBTQ Topics
- **Anti-Science Education Laws**
- **Elective Bible Courses**
- **Mandatory Religious Displays**
- **Prohibitions on Student Non-Discrimination Policies**
- **School Voucher Programs**

## **HEALTH CARE & WELLNESS**

### **● Medical Aid-in-Dying Laws**

#### **Religious Refusal Laws:**

- Private Institutions May Refuse Abortions
- Any Institution May Refuse Abortions
- Refusals Related to Contraception
- Refusals Related to Sterilization
- Professional Licensure

#### **Child Negligence Exceptions for Faith Healing:**

- Civil Exceptions
- Criminal Exceptions

## **SPECIAL PRIVILEGES FOR RELIGION**

### **○ Religious Freedom Restoration Acts**

#### **Religious Exceptions to Enforcement:**

- Foster Care and Adoption
- Marriage Related Services
- State Officials

#### **Tax Exemptions for Places of Worship:**

- Limited Required Filings
- Parsonage Exemptions
- Property Tax Exemptions

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● Statewide law or policy present    ○ No statewide law or policy

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# CONNECTICUT

## SCORECARD

### **STATE CONSTITUTIONAL PROTECTIONS**

- **State Establishment Clause**
- **State Free Exercise Clause**
- No Aid Clause:**
  - Educational Organizations
  - All Religious Organizations
  - Direct Funding
  - Indirect Funding
- **Strong Taxpayer Standing**
- **Religious Tests for Office**

### **SCHOOLS & YOUTH**

- **Protection from Child Marriage**
- **Protection from Conversion Therapy**
- Sex Education:**
  - Comprehensive Sex Education
  - Abstinence Only Sex Education
  - Laws that Restrict Inclusion of LGBTQ Topics
- **Anti-Science Education Laws**
- **Elective Bible Courses**
- **Mandatory Religious Displays**
- **Prohibitions on Student Non-Discrimination Policies**
- **School Voucher Programs**

## **HEALTH CARE & WELLNESS**

### **Medical Aid-in-Dying Laws**

#### **Religious Refusal Laws:**

- Private Institutions May Refuse Abortions
- Any Institution May Refuse Abortions
- Refusals Related to Contraception
- Refusals Related to Sterilization
- Professional Licensure

#### **Child Negligence Exceptions for Faith Healing:**

- Civil Exceptions
- Criminal Exceptions

## **SPECIAL PRIVILEGES FOR RELIGION**

### **Religious Freedom Restoration Acts**

#### **Religious Exceptions to Enforcement:**

- Foster Care and Adoption
- Marriage Related Services
- State Officials

#### **Tax Exemptions for Places of Worship:**

- Limited Required Filings
- Parsonage Exemptions
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# DELAWARE

## SCORECARD

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# MARYLAND

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# MASSACHUSETTS

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- Refusals Related to Sterilization
- Professional Licensure

#### **Child Negligence Exceptions for Faith Healing:**

- Civil Exceptions
- Criminal Exceptions

## **SPECIAL PRIVILEGES FOR RELIGION**

### **Religious Freedom Restoration Acts**

#### **Religious Exceptions to Enforcement:**

- Foster Care and Adoption
- Marriage Related Services
- State Officials

#### **Tax Exemptions for Places of Worship:**

- Limited Required Filings
- Parsonage Exemptions
- Property Tax Exemptions

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Statewide law or policy present     No statewide law or policy

Positive Law or Policy      Negative Law or Policy



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# MISSISSIPPI

## SCORECARD

### **STATE CONSTITUTIONAL PROTECTIONS**

- State Establishment Clause**
- State Free Exercise Clause**
- No Aid Clause:**
  - Educational Organizations
  - All Religious Organizations
  - Direct Funding
  - Indirect Funding
- Strong Taxpayer Standing**
- Religious Tests for Office**

### **SCHOOLS & YOUTH**

- Protection from Child Marriage**
- Protection from Conversion Therapy**
- Sex Education:**
  - Comprehensive Sex Education
  - Abstinence Only Sex Education
  - Laws that Restrict Inclusion of LGBTQ Topics
- Anti-Science Education Laws**
- Elective Bible Courses**
- Mandatory Religious Displays**
- Prohibitions on Student Non-Discrimination Policies**
- School Voucher Programs**

## **HEALTH CARE & WELLNESS**

### **Medical Aid-in-Dying Laws**

#### **Religious Refusal Laws:**

- Private Institutions May Refuse Abortions
- Any Institution May Refuse Abortions
- Refusals Related to Contraception
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# NEW HAMPSHIRE

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# NORTH CAROLINA

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## **HEALTH CARE & WELLNESS**

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# NORTH DAKOTA

## SCORECARD

### **STATE CONSTITUTIONAL PROTECTIONS**

**State Establishment Clause**

**State Free Exercise Clause**

#### **No Aid Clause:**

Educational Organizations

All Religious Organizations

Direct Funding

Indirect Funding

**Strong Taxpayer Standing**

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### **SCHOOLS & YOUTH**

**Protection from Child Marriage**

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# OKLAHOMA

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# PENNSYLVANIA

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# RHODE ISLAND

## SCORECARD

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- Mandatory Religious Displays**
- Prohibitions on Student Non-Discrimination Policies**
- School Voucher Programs**

## **HEALTH CARE & WELLNESS**

### **Medical Aid-in-Dying Laws**

#### **Religious Refusal Laws:**

- Private Institutions May Refuse Abortions
- Any Institution May Refuse Abortions
- Refusals Related to Contraception
- Refusals Related to Sterilization
- Professional Licensure

#### **Child Negligence Exceptions for Faith Healing:**

- Civil Exceptions
- Criminal Exceptions

## **SPECIAL PRIVILEGES FOR RELIGION**

### **Religious Freedom Restoration Acts**

#### **Religious Exceptions to Enforcement:**

- Foster Care and Adoption
- Marriage Related Services
- State Officials

#### **Tax Exemptions for Places of Worship:**

- Limited Required Filings
- Parsonage Exemptions
- Property Tax Exemptions

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Statewide law or policy present     No statewide law or policy

Positive Law or Policy      Negative Law or Policy



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# SOUTH DAKOTA

## SCORECARD

### STATE CONSTITUTIONAL PROTECTIONS

- State Establishment Clause**
- State Free Exercise Clause**
- No Aid Clause:**
  - Educational Organizations
  - All Religious Organizations
  - Direct Funding
  - Indirect Funding
- Strong Taxpayer Standing**
- Religious Tests for Office**

### SCHOOLS & YOUTH

- Protection from Child Marriage**
- Protection from Conversion Therapy**
- Sex Education:**
  - Comprehensive Sex Education
  - Abstinence Only Sex Education
  - Laws that Restrict Inclusion of LGBTQ Topics
- Anti-Science Education Laws**
- Elective Bible Courses**
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# TENNESSEE

## SCORECARD

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  - Direct Funding
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- **Religious Tests for Office**

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# WASHINGTON

## SCORECARD

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# WASHINGTON D.C.

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**Protection from Child Marriage**

**Protection from Conversion Therapy**

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Comprehensive Sex Education

Abstinence Only Sex Education

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# WEST VIRGINIA

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