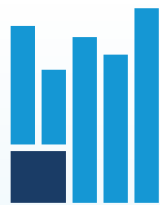




Religious Liberty in the States 2023

Sarah M. Estelle

A Domestic Measure of
Statutory Safeguards for the
Free Exercise of Religion



Religious Liberty

IN THE STATES

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Foreword: Tracking Religious Liberty over Time

In this second year of the Religious Liberty in the States (RLS) project, it is worth considering the significance of measuring state-level protections of religious exercise over time. A lot was accomplished in the inaugural RLS 2022 project, which was the first-ever index of such domestic safeguards. Year two represents a noteworthy development of the project, as new safeguards have been identified and changes in law are now, in another first, tracked over time. The first two years establish a solid foundation for a project that will only continue to grow in importance and depth from year to year.

The first installment of the RLS project created the framework for everything that follows in subsequent years. Beyond simply creating a robust and adaptive approach, RLS 2022 implemented the methodology to create a novel dataset and an index ranking. Thus RLS 2022 did not merely engage in a theoretical exercise or sample a few states or safeguards, but rather produced a concrete and complete index of all fifty states across eleven safeguards, comprised of twenty-nine items. At the time of the launch of the inaugural index in the fall of 2022, this was a remarkable achievement, and it is one that only becomes more appreciable over time. The act of invention, moving from nothing to something, is of a qualitatively different character than the work of innovation, adapting something that already exists in some new way. The 2022 index was just such an act of invention, the creation of something that previously did not exist.

In the project's first year, Dr. Sarah Estelle developed a methodology to identify provisions in constitutional and statutory law—and in a few exceptional cases, regulatory and administrative law as well—that provide protections for religious exercise and to evaluate the presence or absence of these provisions such that they can be coded and then scored in a binary system. In addition to such methodological invention, under Dr. Estelle's direction the project saw the production of a new dataset arising out of that methodology. The resulting dataset is the first of its kind: a comprehensive listing and evaluation of twenty-nine different items and their location in law across all fifty states. The existence of the dataset alone represents a significant step forward for research on religious liberty legislation in the United States and has already proven to be an extremely valuable resource for policymakers, advocates, and researchers on current religious liberty provisions.

After the development of the methodology, it was applied to the existing body of law across the states, resulting in a ranking of the fifty states according to the safeguards that were identified in the research process. The 2022 index was the consummation of these complex processes and efforts, and the results were notable and newsworthy. Two states, Mississippi and Illinois, scored above 80 percent on the index, leading the other forty-eight states by a significant margin. California, West Virginia, and New York were on the other end of the rankings, each with a score below 20 percent. Although some of these results may have been unexpected, one important lesson from 2022 was that there were tangible opportunities for every state in America to improve religious liberty protections, regardless of where a state ranked on the index.

The 2023 index builds on this impressive beginning by expanding the scope of the project and adding additional elements that provide even greater assurance of the integrity of the project's conclusions, rankings, and underlying data. In the introduction to the 2022 report, "Sketching the Legal Landscape of Religious Liberty in the States in 2022," I likened the RLS project to a kind of artistic rendering of the broader reality of religious liberty. Looking at the laws at the state level is akin to an artist sketching the geographical foundations of a landscape—mountains, hills, valleys, and the like. Where the first index covered twenty-nine items across eleven safeguards, the 2023 index broadens the landscape. This year's index adds three new safeguards, bringing the total to fourteen—a substantive extension of the project's robust coverage into previously unidentified areas.

Over time, then, the RLS project will continue to increase its scope so that more of the legal landscape is included, thereby providing a greater sweep of the vistas of religious liberty provisions. The project also continues to track the existence of these specific identified protections over time, as in some cases they appear in a state for the first time or in other cases disappear. The larger federal context also will continue to provide a baseline environment. Changes in the federal context could either create new opportunities for positive state action to provide legal safeguards for religious liberty or eliminate the viability of state-level protections that have existed historically.

The changes in the results of this year's index are due to two factors: what states have done differently since the last index and how the index has expanded in scope. In all cases, the cutoff date for laws to be included in each installment of the index is December 31 of the previous calendar year. So the 2022 index considered laws as of December 31, 2021, while the 2023 index covers the laws up to December 31, 2022. Going forward, each annual installment will cover the changes made during the previous calendar year.

For RLS 2023, even one year (a short period of time relative to the pace of action in state legislatures) has seen a few changes in the laws concerning the items covered in the 2022 report. The few states that have modified their protections have had their scores changed from year one to year two. The more significant source of variation in the rankings from 2022 to 2023, however, is due to the addition of new items that are included for the first time in the calculations in the second year's index. The addition of three new safeguards, comprised of five items, brings the total number of safeguards in the 2023 index to fourteen, made up of thirty-four distinct items.

This means that there have been some significant shifts in the scores and resulting rankings of states from year one to year two. To be sure, much of this change results from the expansion of what the index itself measures rather than changes through time in the underlying data itself. The state laws themselves have not seen much change from 2022 to 2023. The RLS project will continue to track religious liberty protections in state law annually, however, which over time will allow more opportunity to continue to expand the coverage of legal provisions included in the project and to identify changes in the laws themselves. When combined, these annual

snapshots will provide a moving picture of the development of state-level legal protections for religious liberty. In this way the dataset will continue to expand as each year provides new data points for the stability or variability of religious liberty protections over time.

Although a single year is insufficient time to expect much in terms of effective legislative action, it is plausible, if not probable, that over time the RLS project will have a positive impact on the scores of states. With the creation and continuation of RLS each state has increased access to information about what other states have done to protect religious liberty. This information represents an opportunity for states to use the work of their peers to adapt and adopt provisions that make sense in their own contexts.

Even though the RLS project is itself a social-scientific endeavor aimed as much as possible at description rather than normative prescription, it is our hope that an increased awareness of the actual situation regarding religious liberty in the United States will spur legislators, other political leaders, and citizens to action. Whatever states do to either expand or contract religious liberty protections will be tracked by the RLS project, but it is our hope that scores will increase over time even as new areas of potential and actual action by states are identified. The increase of a state's score due to improvement in the substantive legal protection for religious exercise in that state is as much something to be welcomed as the decline of such protection is something to be grieved.

And so even as we might hope for increases in the protections for religious liberty in the states, in terms of both the number and the scope of identified protections, RLS will continue to track domestic religious liberty protections over time, filling out the sketch of the legal landscape of religious liberty.

Jordan J. Ballor

Director of Research

Center for Religion, Culture & Democracy

Executive Summary

Religious Liberty in the States (RLS) is a data project and index measure reflecting the current landscape of free-exercise protections at the state level. Now in its second annual edition, RLS constructs a dataset for all fifty states on a newly expanded set of fourteen safeguards. Aggregating fourteen safeguard scores produces one RLS index score per state. That score can be interpreted as the percent of feasible safeguards, as defined by a state's peers (other states), codified by that state in statutory law. The index is suitable for ranking states and, if used with care, considering changes in religious liberty protections over time. Source data, including hyperlinked citations to specific state statutes, are published online at religiouslibertyinthestates.com. These data are conducive to a number of interstate comparisons beyond the overall ranking, which are useful for state legislators who want their state's score to improve and for researchers who wish to understand the conditions for and consequences of religious liberty.

Objectivity, and the transparency that allows RLS users to test it, has guided RLS from the start. One practical implication of this for the index is that it does not reflect a predetermined list of religiously significant topics but rather allows states to indicate where their laws are relevant for religious people. If one state grants an exemption or makes an accommodation for religious reasons, in light of sincerely held religious belief, or based on conscience, we identify a potential safeguard and turn to the remaining states to determine whether they have implemented the same safeguard. The RLS website and the full 2022 report available for download there describe in greater detail the careful methodology at the core of this project as it was designed in 2022 and has continued in 2023. Put briefly, RLS aims to employ the best practices of objective, quantitative measurement, but not only for scholarly credibility. RLS is motivated by an ethos of positive pluralism such that even the most technical elements of this project reflect a value for liberty for all people regardless of their religious commitments.

What's New in RLS 2023

While this ethos and the well-defined methodology have not changed from our first year, RLS 2023 has expanded in scope—and value—in three ways.

First, RLS 2023 measures the presence or lack of each of fourteen safeguards in each state, which is an increase from the original eleven safeguards in RLS 2022. One constraint on what RLS can include is our ability to confidently locate all the relevant state laws across fifty different states, each with markedly different ways of organizing and publishing their respective statutes. With the benefit of another year's time and insights from scholars and interested citizens, this year RLS identified three new safeguards of free exercise. All fourteen safeguards are listed below, with asterisks indicating those that are new this year.

2023 Safeguards (* new this year)

1. Absentee Voting
2. Health-Care Provision—General Conscience
3. Health-Care Provision—Abortion Refusal
4. Health-Care Provision—Sterilization Refusal
5. Health-Care Provision—Contraception Refusal
6. Health Insurance Contraceptive Mandate
7. Marriage & Weddings—Religious Entity Refusal
8. Marriage & Weddings—Public Official Recusal
9. Marriage & Weddings—For-Profit Business Nonparticipation
10. *Religious Ceremonial Life—Clergy as Mandatory Reporters
11. *Religious Ceremonial Life—Ceremonial Use of Alcohol by Minors
12. Religious Freedom Restoration Act (RFRA)
13. School-Aged Children—Childhood Immunization Requirements
14. *School-Aged Children—Excused Absences for Religious Reasons

RLS has approached religious liberty from the perspective that people of any faith or no faith should be allowed to live in *all* areas of their lives according to their sincere beliefs. For that reason, we have not limited our analyses to activities that typically occur within houses of worship or activities of the clerical professions; we have defined religious exercise broadly. And while in 2022 it was not our intention to focus on any particular areas of life—rather, in our first project year we aimed to characterize the laws in areas where they were most clear—we note that in 2023 the new safeguards are noticeably more closely tied to religious ceremony or observance, narrowly understood. RLS continues to explore new items for future years and welcomes feedback from interested parties. We are pursuing other leads, constrained only by the legibility of state laws and the complexity of the federal context that envelops them. Please contact us at rls@crd.net with new ideas for our ongoing project.

Second, we enriched our methodology in 2023 with an added step known to legal scholars and practitioners as “updating.” Through a systematic process of reviewing relevant case law, we consider the influence of judicial decisions on all the statutes cited in RLS data to determine whether the statutory law is still “good” law, neither deemed unconstitutional nor otherwise superseded by a decision of a court. A thorough updating process for RLS resulted in only three modifications to the codes and scores in our data—that is, only three states on one item, resulting in adjustments on less than 0.2 percent of our dataset. Still, we are committed to the updating process going forward because it enhances the credibility of both our source data for researchers and the aggregate scores and resultant rankings we report annually, even where adjustment to the data are unnecessary.

Third, in this year's report there is new and expanded content based on recent changes in federal law that have affected the context within which states operate with respect to religious liberty. The *Dobbs v. Jackson Women's Health Organization* (2022) decision of the US Supreme Court and the Respect for Marriage Act signed into law by President Biden in 2022 both raise questions about the opportunity for states to enhance religious liberty protections in the areas of health-care provision and marriage, respectively.

¹Sarah M. Estelle, *Religious Liberty in the States 2022* (Plano, TX: Center for Religion, Culture & Democracy, 2022), <https://doi.org/10.54669/DRYP4816>; Sarah M. Estelle, *Religious Liberty in the States 2022 Dataset* (Plano, TX: Center for Religion, Culture & Democracy, 2022), <https://doi.org/10.54669/GJSE4026>.

Table 1: 2023 State Ranking, Scores, and Data Summary (by Group of Safeguards)

States	Rank	Score* (%)	Absentee Voting (Yes?)	Health-Care Provision (of 20)	Health Insurance Mandate (Yes?)	Marriage & Weddings (of 5)	Religious Ceremonial Life (of 3)	RFRA (Yes?)	School-Aged Children (of 3)
Illinois	1	85%	✓	19	✓	3	3	✓	3
South Carolina	2	67%		19	✓	0	3	✓	2
New Mexico	3	66%	✓	12	✓	0	3	✓	2
Mississippi	4	64%		20	✓	5	0	✓	0
Ohio	4	64%	✓	20	✓	0	3		1
Washington	6	62%	✓	8	✓	2	3		3
Arkansas	7	61%		20	✓	0	2	✓	1
Florida	8	60%	✓	9	✓	3	1	✓	3
Maryland	9	57%	✓	10	✓	3	3		2
Pennsylvania	10	55%	✓	8	✓	0	2	✓	3
Utah	11	55%	✓	5	✓	4	3		1
Tennessee	12	51%	✓	10	✓	0	2	✓	2
Delaware	13	50%	✓	6	✓	2	3		2
Kansas	14	49%	✓	9	✓	0	2	✓	1
Rhode Island	15	48%	✓	5	✓	3	2	✓	1
Hawaii	16	48%	✓	5		3	3		3
Arizona	17	47%	✓	4	✓	0	3	✓	1
North Dakota	17	47%	✓	4	✓	0	3		3
Idaho	19	47%	✓	10	✓	0	1	✓	1
Montana	20	46%	✓	9		0	3	✓	1
Maine	21	45%	✓	13	✓	3	1		1
Alabama	22	45%		9	✓	0	1	✓	1
South Dakota	23	44%	✓	5	✓	0	2	✓	1
Minnesota	24	43%	✓	4	✓	3	1		2
Georgia	25	42%	✓	9		0	3		2
Wisconsin	25	42%	✓	9		0	2		3
Louisiana	27	42%		6	✓	0	2	✓	2
Missouri	27	42%	✓	6	✓	0	1	✓	1
Connecticut	29	41%	✓	2	✓	3	2	✓	1
Oklahoma	30	41%	✓	3	✓	1	2	✓	1
Massachusetts	31	41%	✓	11	✓	0	1		1
Nevada	32	40%	✓	3	✓	2	2		1
Iowa	33	40%	✓	4		0	3		3
Oregon	33	40%	✓	4		0	3		3
North Carolina	35	37%	✓	5		1	2		2
Virginia	35	37%	✓	5		0	1	✓	2
New Jersey	37	36%	✓	10		0	2		2
Indiana	38	35%	✓	3	✓	0	1	✓	1
Kentucky	39	35%		6	✓	0	1	✓	1
Michigan	40	35%	✓	6		0	2		2
Colorado	41	35%	✓	8		0	2		1
Texas	42	34%		2	✓	3	0	✓	2
Wyoming	43	34%	✓	5	✓	0	2		1
Nebraska	44	34%	✓	5	✓	0	2		1
Alaska	45	33%	✓	4	✓	0	1		1
New York	46	27%		5		3	1		2
Vermont	47	26%	✓	0		2	1		1
California	48	26%	✓	4		2	1		1
New Hampshire	49	21%	✓	0		3	0		1
West Virginia	50	14%		6	✓	0	0		0

*RLS 2023 utilizes the same index construction strategy to generate these scores as in 2022 but with a larger scope of laws. It is important to note that, as before, groups of safeguards—that is, the contents of the seven rightmost columns of this table—are not weighted equally. Instead, the fourteen individual safeguards are given equal weight.

Overview of Results

Table 1 presents the fifty states, sorted by rank, with their RLS 2023 scores and a summary of the safeguards that comprise each state's aggregate score. Scanning this table or figure 1 below illuminates a number of broad observations about state-level provisions for the free exercise of religion as of December 31, 2022—that is, going into RLS project year 2023.

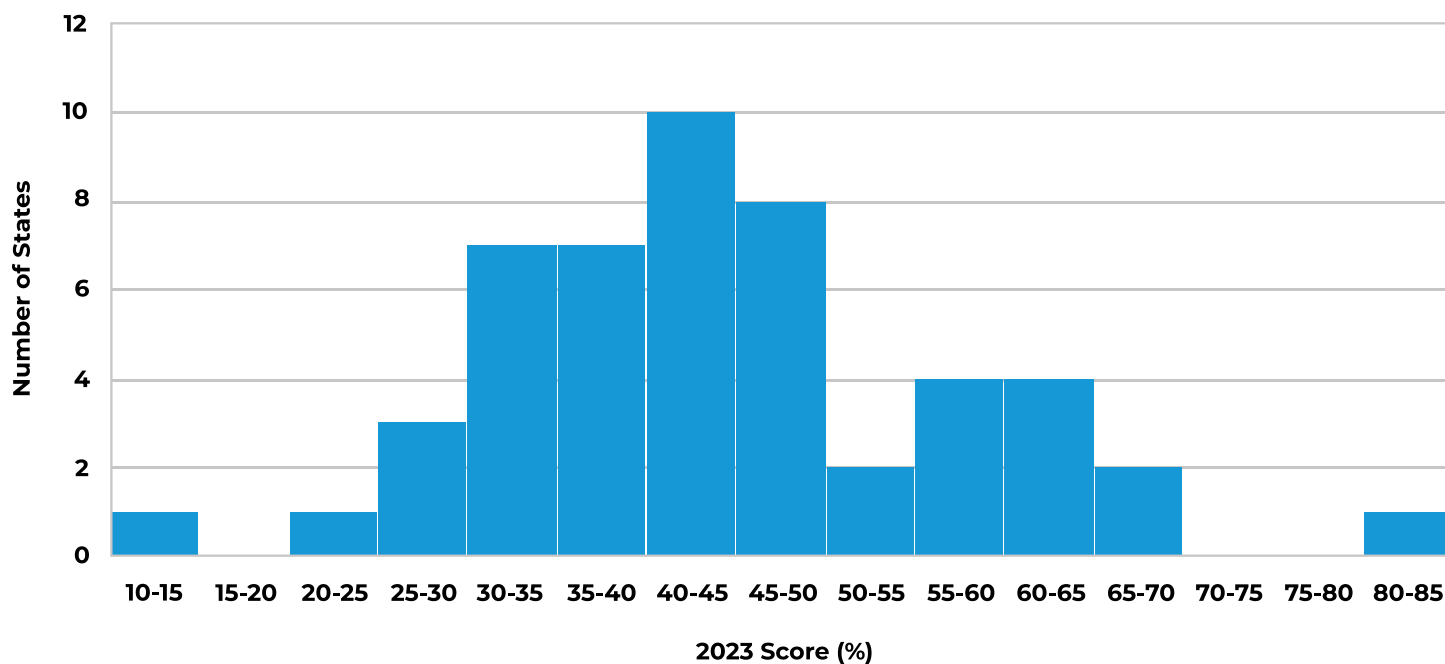
- **States differ greatly.** The highest score of 85 percent is more than six times higher than the lowest score of 14 percent. That front-runner with 85 percent, Illinois, is 18 percentage points higher than the second state, South Carolina, at 67 percent. That is, Illinois safeguards 25 percent more for its residents than does its nearest peer. West Virginia, the state in the fiftieth position in RLS 2023, is also an outlier on the safeguards measured this year. With only 14 percent of the feasible safeguards (as defined by its peers), it is 7 percentage points behind the forty-ninth state, providing one-third fewer safeguards than New Hampshire.
- **Every state has room for improvement.** Even Illinois is missing the equivalent of two full safeguards from the set of fourteen possible in RLS 2023. Moreover, because of RLS, each state can see clearly what the potential for expanded safeguards looks like by examining its own deficiencies and turning to peer states as examples of not only what but also how those safeguards can be implemented.
- **The majority of states are doing less than half of what they could be doing.** Especially noticeable in the distribution of states across the range of observed scores (as shown in figure 1) is that the vast majority of states grant less than half of the potential safeguards.

How do 2023's results compare to 2022's? All of the above qualitative statements could be made about the states as measured in RLS 2022 (significant variation across states, room for improvement for every state, and—on average—inadequate safeguarding). However, looking at all fifty states together, a few things are different quantitatively in 2023. More states have scores above 50 percent than in 2022 (thirteen compared to nine), and average and median scores have increased. However, it is important to note that the items comprising the three new safeguards in RLS 2023 are, on average, more common across states than the 2022 items, which explains most of the apparent improvement from 2022 to 2023.

In fact, only three states made statutory changes to their laws in the original eleven safeguards of RLS 2022 in time for collection in RLS 2023's data. Two, South Carolina and Rhode Island, made improvements (to health-care conscience provisions and absentee voting, respectively). The third, Connecticut, regressed, eliminating the religious exemption from its childhood immunization requirement, with a statutory change that took full effect in the fall of 2022. There are indications, however, that state legislative action is increasing in our now fourteen safeguard areas. Statutory changes that are implemented by December 31, 2023, will be reflected in RLS 2024 data and index scores.

That the composition of RLS has changed between years presents a challenge to interpretation of scores across years, though not an insurmountable one. It simply means we must be clear about where we can make apples-to-apples comparisons and where, in reality, we are looking at apples and oranges. What can comparison across RLS 2022 and 2023 tell us precisely? This summary of RLS 2023 concludes with a more technical explanation of the kind of comparisons that can be made over years in the RLS data.

Figure 1: Distribution of States by RLS 2023 Score



A Technical Note: Comparison over Time and Editions of RLS

As RLS grows—aiming to measure a fuller potential for safeguarding the free exercise of religion and to provide a richer set of data to interested citizens, legislators, and scholars alike—it is important for users to note the scope of what the index is combining in a given year. Consider any individual state. Its score on RLS 2023, relative to 2022, will reflect two (potential) sources of change: what the state did to its laws from year one to year two (especially on the original eleven safeguards from RLS 2022) and what RLS added to its scope in the form of new safeguards for 2023. Many users of RLS, understandably, will want to celebrate any increase in their state's score, which would indicate that the state in fact maintains a greater proportion of potential safeguards than previously reported. It is worth noting, though, that only a substantive change in a state's laws between years has practical implications for its residents. If, alternatively, a state's RLS score changes only because of the composition of what RLS measures, the new observations do not necessarily have any felt impact on residents in that state over time. Though different in their implications, both sources of change to a state's RLS score are meaningful. The differences, however, must be carefully understood when making comparisons within a state over years and when comparing those improvements (or declines) relative to other states over the same time period.

Figure 2: Breaking Down the Overall Change in a State's RLS Score

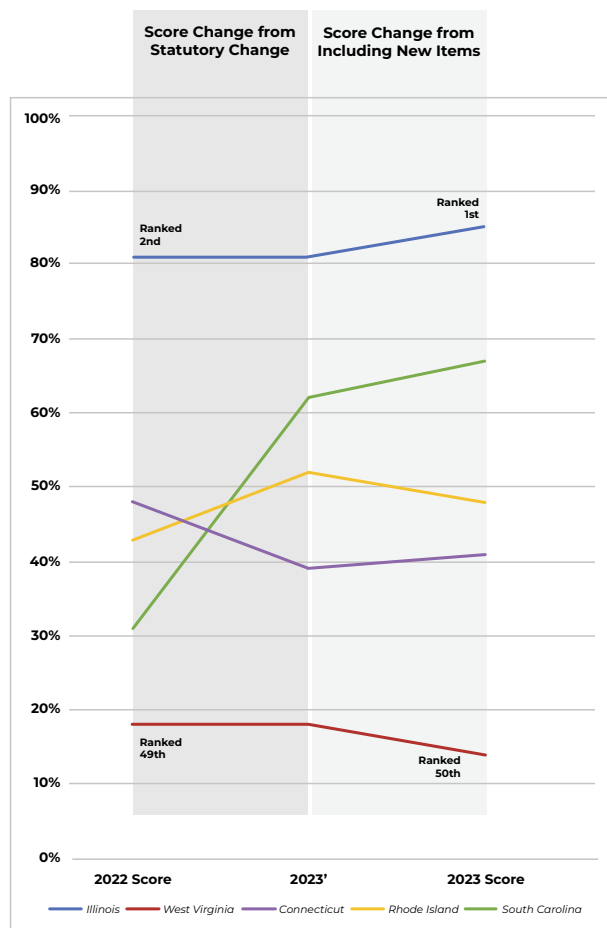


Figure 2 breaks down the overall change in five states' scores over the two years of RLS: 2023's number 1 and number 50 states, as well as the three states that made changes to their statutory laws. The horizontal axis labels "2022 Score" and "2023 Score" indicate that the vertical measures above them are the official, reported RLS scores in that year. The label "2023'" on that same axis indicates that the simulated scores plotted directly above are what the scores in 2023 would be had we not expanded the set of safeguards measured. Connecting all the points from left to right, then, forms something like trajectories where upward sloping lines can be interpreted as improvement and downward sloping lines as decline. However, only the first line segment for each of the five states illustrated above is an "apple-to-apple" comparison (since the safeguards are held constant). Still, RLS 2023 is a meaningful "orange" in that it provides more information on the circumstances of religious liberty in each state and across states. Notice that Illinois's score increased, on net, by 4 percentage points from 2022 to 2023. That change combines the fact that Illinois made no improvements on the original eleven safeguards from RLS 2022 (indicated by a horizontal line segment at the start of the blue trajectory) but scored well on the three new safeguard areas. In fact, Illinois has in place in 2023 all five new component items that comprise RLS 2023's three new safeguards. An Illinoisan might understandably be proud to be number 1 on the aggregate RLS 2023 score, and certainly should be glad Illinois's score did not decrease, which would indicate a lack of the newly measured safeguards, but we should also be clear that none of the change in the overall score for Illinois was due to statutory changes.

Similarly, West Virginia made no changes to its existing laws in time for RLS 2023's most recent measurement (represented by a horizontal line segment at the start of the red trajectory). But its score moves opposite of Illinois's with the addition of the new safeguards in RLS 2023. West Virginia, in fact, has in place none of the five items comprising the three new statutory safeguards measured in RLS 2023.

We can contrast these simpler cases with the more complicated cases of the three states that made changes in 2022 that affected their RLS 2023 score. South Carolina (in green) and Rhode Island (in yellow) made statutory changes that improved their degree of safeguarding on the original eleven safeguards. In fact, South Carolina adopted a general conscience provision for health-care providers that improved its score greatly² (notice the steep slope of its first line segment) while also seeing improvements in its score due to the new items added to RLS in 2023 (the second line segment). Between RLS 2022 and 2023, Rhode Island no longer required excuses for absentee voting, newly offering an alternative to voting in the polling place for religious reasons (e.g., holidays) or no particular reason at all. This improved its score on the original eleven safeguards, but that improvement was moderated by the addition of new items in RLS 2023 (as indicated by the initial upward sloping line segment followed by the downward slope of the second line segment in yellow). In the end, Rhode Island still finishes with a higher score on RLS 2023 than RLS 2022.

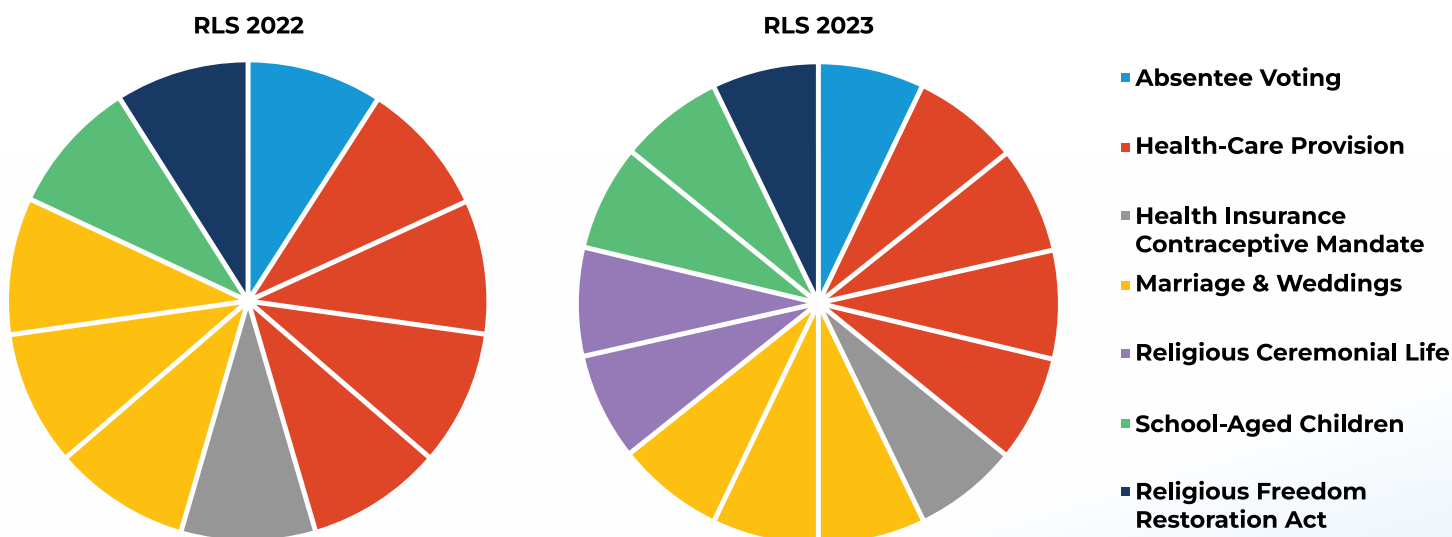
²Implementing statutes protecting conscience for health-care providers of a broad array of health-care services is a quick way for a state to improve its RLS score. Not only will it satisfy RLS's requirements for that particular safeguard, but often these laws have practical spillovers, improving state scores on abortion, sterilization, and contraception refusal safeguards or even health insurance contraceptive mandates.

In the case of Connecticut (in purple), which eliminated the religious exemption for childhood immunizations, its score initially decreases (shown as a downward sloping portion at the start of its trajectory), but its performance on the five new items comprising three new safeguards moderates its descent (note the subsequent uptick in the final line segment), recovering some of its loss for the aggregate score reported for RLS 2023.

Finally, in making comparisons of a state's scores across time, one should note that, with an expanding scope, each of the original eleven safeguards now represents a smaller portion of the whole. All the safeguards are weighted equally, and RLS is measured on a scale of 0 to 100 percent so as to reflect the percent of feasible safeguards a state has in place. But now with fourteen safeguards in 2023, a single safeguard is one-fourteenth (approximately 7 percent) of the whole (potential) score rather than one-eleventh (about 9 percent) of the whole. Figure 3 features two pie charts, one for each RLS year, showing the weight of safeguards (represented each by a slice of the pie) and the resulting influence of six or seven topically related groups of safeguards (indicated by the different colors). The size of any piece of the pie indicates what percentage of the overall RLS score in 2022 or 2023 a safeguard comprises, again noting that safeguards are weighted equally for simplicity and transparency of our measure. The magnitude of a color in the pie shows the implications of that equal weighting on the influence of particular topics or issues within RLS analyses.

Comparing across pie charts in figure 3, starting at noon and working clockwise, one can see that absentee voting, health-care provision safeguards (of which there are four), the exemption for religious employers from contraceptive mandates, marriage and wedding safeguards (of which there are three), and RFRA all carry less weight in the overall total of RLS 2023 than in 2022. The only topical group that now carries more weight in RLS 2023 than 2022 is the one associated with school-aged children, which expanded in scope from only religious exemptions from the childhood immunization requirement to also include the requirement of public schools to grant excused absences for religious reasons. That is, the group is now comprised of two safeguards. Put differently, while childhood immunizations carry less weight in RLS 2023, more of RLS 2023 has to do with school-aged children than did 2022. The other new safeguards in RLS 2023 coalesce around religious ceremonies or sacraments. Since these safeguards were not present in RLS 2022, they had no weight. This topical group is comprised of two safeguards: (1) the exception clergy may receive from mandatory reporting laws when hearing confidential or penitential communication and (2) exemptions for minors' use of alcohol in religious ceremonies. Thus this group now comprises one-seventh of the aggregate score, since it is made up of two of fourteen total safeguards.

Figure 3: Weighting Safeguards



1. Enhancing Religious Liberty in the States 2023

Religious Liberty in the States (RLS) is intended as a tool for those who would seek to better understand the legal protections of the free exercise of religion across the United States. An accurate assessment of the variation in state-level provisions is necessary to the careful analysis of both the factors that contribute to religious liberty protections and the consequences of those protections. In either case, a better-informed, data-rich understanding of the current safeguards of free exercise is critical for those who want to bolster religious liberty in the states. Thus, we hope that by enhancing RLS over time—this year in the three ways described below—we will support those engaged in research and practice, concerned citizens and those elected to represent them, and anyone who wants to make an informed case for statutory changes that can support free exercise.

Enhanced Scope: Adding New Items

Ideally, RLS would capture every safeguard of the free exercise of religion that states could feasibly provide. We therefore look to identify as a potential safeguard any statutory provision that has been made in at least one state (suggesting feasibility) and where the language indicates it is for religious reasons (revealing that the state considers the item to be of religious relevance). For the purposes of RLS, potential safeguards are limited by the practical requirements of constructing an index. These requirements include the ability to locate the relevant laws in all fifty states and to characterize every statute in a way that allows it to be compared with statutes in other states. Further, the characterization of statutes must be consistent in ways that make the aggregation across safeguard areas within the index appropriate and, thus, interstate comparisons intelligible. In light of these practical constraints, in its first year RLS selected items that were easiest (even if not easy) to locate and to read. With additional time and helpful recommendations from scholars and other RLS users, RLS’s ongoing search for new items already has identified new safeguards, providing a fuller picture of what we aim to measure.

Some caution is needed in this desire for expansion. As the saying goes, bigger is not always better. It is critical for the credibility of this project that it maintain its clarity of motivating principles and methodological approach, all of which are addressed in section 2 below. RLS is not truly enhanced by expansion for the sake of “growing” the index if it means compromising the accuracy or quality of its measurement. Each new item must cohere with the definition of liberty employed in this project, for example, in order for the aggregation to provide meaningful metrics. Each item must be clearly understood within the often complex environment established by federal rules, laws, and court opinions. And RLS’s fundamental commitment, which energizes all of its other commitments, should remain an appreciation for pluralism. Accordingly, as this project grows, we both happily receive and actively seek new items from a diversity of people, of any faith or no faith, for consideration in this project.

Consistent with these constraints and ideals, RLS 2023 adds to the original eleven safeguards three new safeguards reflecting the potential for religious exercise in areas quite distinct from those previously examined. Table 2 lists all the safeguards while also illustrating the basic structure of the

data, including the distribution of the now thirty-four items that characterize the fourteen safeguards and how these all align topically to form seven groups. Asterisks indicate items, safeguards, and groups that are new this year.

Table 2: Data Structure and Content; Groups, Safeguard, and Items (* new this year)

Group	Safeguard	Items
Absentee Voting	(Same as Group)	1
Health-Care Provision	General Conscience	1
	Abortion Refusal	7
	Sterilization Refusal	6
	Contraception Refusal	6
Health Insurance Contraceptive Mandate	(Same as Group)	1
Marriage & Weddings	Religious Entity Refusal	3
	Public Official Recusal	1
	For-Profit Business Nonparticipation	1
Religious Ceremonial Life*	Clergy as Mandatory Reporters*	1*
	Ceremonial Use of Alcohol by Minors*	2*
Religious Freedom Restoration Act	(Same as Group)	1
School-Aged Children*	Childhood Immunization Requirements	1
	Excused Absence for Religious Reasons*	2*
7 Groups	14 Safeguards	34 Items
Totals		

Key Terms

item

The smallest unit of data that can be understood as indicating whether a dimension of protection exists or not in a state. Items refer to *who* is protected (via, for instance, exclusion or exemption), *from what* consequences they are protected, or *for* (or in order to do) *what*.

safeguard

The central measures of liberty protection for this project. Each safeguard focuses on an area of life that is a space for potential religious exercise. Variation across states in some safeguards can be fully characterized by one item while others vary in multiple dimensions and are, thus, comprised of multiple items (e.g., because of distinct *whos* or *from whats*).

group

A collection of safeguards that are topically related. The group designation allows for ease of communication in some tables and figures, but it has no role in index construction.

The following are the three new safeguards in RLS 2023:

- *Clergy as mandatory reporters.* All fifty states define who is required by law to report suspected child abuse or neglect. Many states either exclude clergy from this list of mandatory reporters (seven states) or exempt, at a minimum, confidential (e.g., penitentiary) communication with clergy from the requirements (thirty states).
- *Ceremonial use of alcohol by minors.* All fifty states have laws limiting the sale or furnishment of alcohol to minors and possession or consumption of alcohol by those under twenty-one years of age. At the same time, many religions use alcohol in ceremonies and rites, regardless of age or while defining adulthood differently. Free exercise of these religions requires that clergy be permitted to furnish alcohol to minors for religious purposes and that young people be permitted to consume alcohol in religious ceremonies. Our new safeguard tracks both of these items and notes that even where states make one exemption, they do not always safeguard the other. (In fact, twenty-eight states safeguard furnishment and twenty-eight states safeguard consumption, but they are not the same twenty-eight states.)
- *Excused absences for religious reasons.* All fifty states make schooling compulsory for most children, regulating enrollment and attendance in various ways. While not all states define legally permissible or excused absences, sometimes explicitly leaving those decisions to local school districts, other states do restrain the coercive power they assert with compulsory schooling laws by requiring that religious holidays and observances (twenty-four states) and/or absences for religious instruction (twelve states) be excused.

RLS 2022 was comprised of safeguards reflecting a wide variety of areas of life where one can find his or her right to religious exercise restricted or, alternatively, safeguarded—in the act of voting, in the workplace, as an employer, or when sending children to school. Life in the labor market constitutes

seven of the original eleven safeguards. Looked at another way, the original eleven safeguards are mostly associated with areas of life outside the clerical professions, activities of houses of worship, or communities of faith; only one of eleven had to do with the involvement of religious entities (clergy and religious organizations) in religious ceremony (namely, marriage and weddings.) The new items of RLS 2023 noticeably expand the scope of this project to include items more closely related to what might be considered religious practice, or even worship, than the original eleven safeguards taken as a whole. While this was unintentional (the intentions rather being what we could characterize accurately and aggregate appropriately in our index), it does enhance the relevance of this project because it more fully reflects the opportunities for free exercise.

And while RLS does not relegate religious liberty to a much narrower notion of “freedom to worship,” it may be that this area is especially valuable in our data for the fact that minority religions are even more likely to be struggling for these most basic rights, in practice, more often than the historical Christian majority.¹ For example, public schools traditionally schedule long breaks around major Christian holidays, making it unnecessary for Christian students to negotiate the requirements of school attendance and religious observance at those times. For faiths that are less represented within a school or district, a state law requiring that absences for religious observances be excused may be more valuable in practice. In general, where social norms are not as well-developed in support of a particular religion, it may be more difficult to find accommodations outside of those that are legally required. In bringing into view more ceremonies and central practices of many faiths with the addition of these three new items, RLS 2023 is enhanced in its relevance for all people.

Enhanced Methodology: Citator Updating

In order to remain objective and transparent, RLS primarily focuses on written and publicly available statutory law, while recognizing that interpretation and enforcement of the law are important for liberty too. RLS 2022 made no efforts to account in our calculations for the critical role of courts, largely due to concerns that judicial opinions are hard to interpret and score objectively. While not claiming to address all the ways that judges and courts can affect citizens’ experience of religious liberty, including the potency of statutory laws on the books, RLS 2023 undertakes a new, systematic consideration of the following questions for each of the statutory provisions we include in our data, thus influencing our index and the rankings:

1. Has the text of the statutory provision changed compared to what is published for the public?
2. Is there another constitutional or statutory provision that affects this provision?
3. Is there a regulation that interprets the provision or regulates pursuant to it?
4. Is there an attorney general’s opinion that binds the state executive as to the execution of the provision?
5. Is there a judicial opinion that interprets the provision?

¹ While constructing RLS 2022 we were asked frequently whether the contents of the index were too heavily skewed toward the traditional majority religion in the United States, Christianity. Nothing in our methodology, other than relying on states to indicate where laws are of religious relevance, leads to such a bias. However, this reasonable question has inspired us to be especially aware of opportunities to improve the index for a broader audience.

We can answer these questions with a thorough search of documents that cite the same statutory provisions we do.² Reading the documents citing the statute in question, including judicial opinions, allows us to report with greater confidence where the laws we code for use in the index are still valid after accounting for all the ways that other sources of law can interpret or supersede statutory law. In light of our thirty-four items and fifty states, completing this process manually would be infeasible. However, legal citators (databases that allow users to search broadly for citing documents) and the simplifying indicators they provide (signaling a user when any citing document brings into question the statutory provision under analysis) make this still-substantial process feasible. RLS updates our data, including retrospectively for RLS 2022, using two legal citators and a careful reading of the citing documents to which they point. Since this process is largely a technical one, we include more specifics about this in section 2, making clear how this new step is accomplished and how it is integrated into the established methodology of RLS.

Enhanced Context: The Implications of New Federal Law

Two significant federal law changes occurred in 2022 in time to affect the context of RLS 2023 and the environment within which states are safeguarding religious liberty today. First, *Dobbs v. Jackson Women's Health Organization* overruled *Roe v. Wade* (1973), returning to states the question of the legality of abortion. Second, the Respect for Marriage Act (RFMA), federal legislation signed into law by President Biden, commits the federal government and requires state governments to accept as valid the marriage licenses granted by other states, including those granted to same-sex couples.³ Together, these changes in federal law are relevant to two safeguards and ten items measured in RLS, those related to abortion refusal rights for health-care providers and the rights of religious entities to refuse participation in marriages and weddings that conflict with the doctrine of their faith.

While it is too soon to know the full effect of these major federal changes on the overall landscape of religious liberty in the US (many states are examining their laws afresh in light of these decisions), it is not too soon to ask whether the changing federal context has expanded, reduced, or otherwise shifted the space where states can feasibly operate to safeguard (or not) religious liberty at the state level. But even when federal rulings and laws have ultimately no impact on how RLS can and should measure what states can feasibly do, it is helpful to understand why, both to clarify the meaning and applicable jurisdiction of the federal laws in question and to reinforce what the index does and does not measure. After careful consideration and study, RLS 2023 makes no change to what items are included or how they are scored in light of these new federal laws. However, since this new project was so promptly confronted with two major shifts in the federal context, these shifts serve as useful tests of the adaptability

of our methodology. Finally, to make a careful assessment, we enlisted the help of legal scholars. The analysis of RFMA by Patrick Garry and Gabrielle Unruh (see section 3) enriches RLS and expands the scope of our project beyond what can be appropriately quantified in the course of constructing the index. What follows here is an explanation of how RLS determined that these two federal changes require no changes to our measurement of abortion refusal or marriage and wedding items.

Dobbs v. Jackson Women's Health Organization (2022)

In overruling *Roe*, *Dobbs* has a significant impact on the feasible range for state laws on abortion. In fact, absent congressional action, it returns the question of the legality of abortion entirely to the states. However, RLS finds that in doing so it neither increases nor decreases the opportunity that states have for safeguarding the free exercise of religion. The opportunity and need to allow health-care providers the right to refuse participation in abortion procedures is not reduced by the fact that now states decide about the legality of abortion. To be clear, RLS need not take a stance on abortion to note that, whenever and wherever abortion is legal, religious people may benefit from the right to refuse participation. The only situation where refusal rights would be superfluous would be if a state outlawed all abortions, meaning that health-care practitioners with conscience concerns regarding abortion procedures would never be called upon to participate in abortion. While it was the case immediately after the *Dobbs* decision that much of the public narrative suggested that abortion would be illegal in some states based on the laws that remained on the books despite *Roe*, currently every state in the US allows abortion in at least some situations.⁴ This means that in any state, a health-care practitioner could potentially receive a request to participate in an abortion procedure, and—if refusal rights are valuable safeguards, as is indicated by the majority of states who have them—then refusal rights are still necessary for free exercise.

Consequently, RLS need not adjust its assessment of “missing” exemptions in this space; if a state does not offer refusal rights, it is not safeguarding that area of life (health-care provision) for religious exercise. If it were otherwise, and some states did outlaw abortion completely (or at some point do), RLS would adjust its scoring of abortion refusal items to indicate that in those states where abortion is entirely illegal, a refusal right would be superfluous and a missing exemption in those states would be scored in our index as equivalent to full refusal rights in a state with legal abortion. Only if abortion were illegal in any state would RLS then need to question in more detail the legality of abortion in each state in order to determine how we handle missing exemptions. Even then, RLS would not have to take a stand on what legal position on the availability of abortion is most consistent with religious liberty.⁵

²It is important to note that legal citators, the tools we employ in updating, cannot be used to confirm whether administrative codes and many other forms of (nonstatutory) law are currently in effect.

³Another relevant change in federal law, 303 *Creative LLC v. Elenis*, was decided by the US Supreme Court on June 30, 2023, before the release of RLS 2023 but outside of the range of dates for our analysis. It is anticipated that its impact on RLS 2024 will be minimal. While one might think it makes redundant Mississippi's unique state-level safeguard of for-profit businesses' rights to refuse participation in marriage and weddings (§11-62-5(5)), 303 *Creative* was decided based on free-speech principles. In affirming protections for expressive business goods and services, the 303 *Creative* decision seems narrower than Mississippi's safeguard of a broader set of businesses and, thus, there is potential for other states to safeguard for-profit businesses beyond what 303 *Creative* provides.

⁴The Guttmacher Institute categorizes states from “most restrictive” to “most protective” of legal abortion. See <https://states.guttmacher.org/policies/>.

⁵Some RLS users may find that *Dobbs* increases their questions about RLS's inclusion of civil liability protections for those who refuse to participate in abortion, which is one of our seven abortion-related items. If the argument pre-*Dobbs* was that civil liability claims are not sufficiently facilitated by the government to cohere with our notion of liberty (e.g., in that the *Roe* decision granted a “right to abortion”), this argument may carry even more weight now. The modular nature of our public dataset allows users to define and calculate their own index in light of such concerns. Eliminating the civil liability protection from the abortion refusal safeguard does not affect the average index score across all states, but does shift in small ways some states' index scores and the rankings (with eight states moving slightly up and eight moving slightly down). The civil liability item is worth 1 percent of the index in RLS 2023.

Respect for Marriage Act

In section 3 below, Garry and Unruh unpack the broader implications of RFMA and especially the religious exemptions it contains. With one notable exception,⁶ very little has been written from an objective viewpoint about the impact of those exemptions. And to our knowledge, nothing has been written about what RFMA's provisions for viewpoint diversity and its religious exemptions mean for the value of state-level religious exemptions related to marriage solemnization and wedding celebrations. But this is precisely the question RLS must ask. RLS need not take a stance on same-sex marriage in order to analyze the safeguarding of free exercise through states granting refusal rights to religious people. Currently, RLS tracks three related safeguards: recusal rights for public officials, the right to nonparticipation by for-profit businesses, and refusal rights for religious entities. The first two of these are clearly untouched by RFMA, which makes no provision for exemptions for either of these categories of people. So our main question about RFMA is whether its exemptions for religious organizations make state-level exemptions for religious entities redundant or otherwise superfluous.

From the legal analysis of Garry and Unruh we take as especially critical to our application that RFMA's "exemptions simply state that *anything* RFMA requires—which at this point, with *Obergefell* the law of the land, is not much—does not in turn require that religious organizations and their employees must participate in same-sex marriages" (emphasis added). RFMA's exemptions limit the reach and impact of RFMA, nothing more. Garry and Unruh also find that neither *Obergefell* nor RFMA put private actors "under any legal mandate to perform or celebrate any marriage that contradicted their religious beliefs." These conclusions are clarifying about what RFMA does and does not do. Still, it is left to RLS to determine how this should impact the approach to scoring states' religious exemptions, or lack thereof, for religious entities.

Relative to our reading of state laws, which we began in the early days of building RLS 2022, we can note several significant differences between the exemptions in RFMA and those in states' laws. First, recall that RFMA makes no provisions for public officials or for-profit businesses. While these are rare in states, they are clearly feasible by their existence in at least one state each, and so they are tracked by RLS. Second, with respect to religious entities, RFMA makes provisions for religious organizations and individuals who are "employees" of the religious organizations it enumerates. Conversely, in many states' laws reference is made to clergy or ministers without further qualification. To the extent that ordained or otherwise licensed ministers or religious officiants are legally permitted to solemnize a marriage regardless of employment status, it appears states would more clearly protect a broader group of clergy—including those who may not maintain employment in a religious organization—than does RFMA.

Finally, while it may not have strict legal implications, the explicit context of RFMA is same-sex and interracial marriages, in light of the concerns about the fate of *Obergefell* following *Dobbs*, as discussed by Garry and Unruh. While these two scenarios, mentioned only in the act's findings, do not carry over to the amendments to federal law that RFMA primarily codifies, the precise language of RFMA is still relatively narrow in saying that government actors cannot consider "sex, race, ethnicity, or national origin" of individuals who were lawfully married in other states in deciding whether a marriage license from another state is valid. While the language around RFMA's religious exemptions is broad, largely drawing on the First Amendment, it is interesting to note that the context for many states' laws is seemingly much broader. Many states' refusal rights for clergy or religious organizations simply reference "sincerely held religious belief." Minnesota grants a religious organization "exclusive control over its own theological doctrine, policy, teachings, and beliefs regarding who may marry within that faith." Utah has the only refusal right that explicitly mentions sexuality or any specific conflict that may arise between religious doctrines and the laws of the state. While these are all interesting differences between RFMA and what we observe in many states, they are observations with no practical effect on our measurement of the RLS index.

For the remainder of this section, we consider specifically RLS's treatment of states' refusal rights for religious entities. We keep in mind that RFMA's exemptions are only binding on itself and so do not provide a nationwide "right to refusal." (For example, RFMA cannot offer a refusal right to a person who is compelled to participate in a marriage ceremony because of a state's public accommodation law.) However, RFMA does draw our attention once again to the question of missing exemptions in states that have no religious entity exemptions. While section 2 addresses the issue of missing exemptions more comprehensively, it is important to recall for this discussion that RLS puts significant weight on what states themselves reveal in their laws. We do not attempt to judge whether any exemption is of value to religious people, but rather allow states to speak through the language of their laws. That is, we defer to states that are acting to establish a protection of free exercise (e.g., refusal rights for clergy) to indicate where there is a potential for safeguarding.

In states with their own laws that assert something of a right to marriage for protected classes of people, say, antidiscrimination laws that include sexual orientation or gender identity as protected status (often called SOGI laws), there is a clear occasion for religious exemptions. In fact, more than half (fifteen) of the twenty-eight states with SOGI designations in their public accommodation laws have implemented safeguards for clergy, and nearly half (thirteen) have implemented safeguards for religious organizations in the area of marriage and weddings. We score the states with SOGI laws according to whether they have the religious exemption in question (score = 1) or not (score = 0).

⁶ Center for Public Justice (2022).

In states without SOGI laws,⁷ one might be less certain what a religious exemption would be safeguarding against. In 2022, RLS took the position that such a safeguard was meaningful and valuable as demonstrated by four states, listed in table 3, that have refusal rights for clergy or religious organizations despite lacking SOGI laws. RLS postulated that *Obergefell*, with oral arguments in April 2015 and a decision in June 2015, may have provided the federal context that these states were responding to, especially once we note the dates their religious exemptions were enacted. While it is not necessary for RLS to name the risk factor against which states are safeguarding their residents, it is important that it presumably be against some government-asserted coercion or consequence, for example, loss of tax-exempt status.⁸ Whether strictly true or not that *Obergefell* constitutes a risk factor (enabled by the public sector) to religious entities, it seems clear these states thought these protections were valuable in a world post-*Obergefell*, a decision with a public sector element. For this reason, RLS scores states without SOGI laws such that those with refusal rights are indicated as safeguarding the religious entity in question (score = 1) and those without those refusal rights are not (score = 0).⁹

In short, RLS 2022 scored the items related to religious entities in marriage and weddings regardless of state-level SOGI laws because at least one state in each situation has deemed refusal rights of value post-*Obergefell*. So the question of RFMA then becomes whether it has an additive or subtractive impact on risks to religious liberty or protections of religious liberty relative to *Obergefell*. That is, has the federal context changed for RLS's refusal rights in marriage and weddings? According to Garry and Unruh, not at all: "In the absence of a judicial overruling of *Obergefell*, [RFMA] has virtually no effect on state law." RFMA does not protect religious people or organizations broadly but only against its own impositions. While it does not make state-level protections redundant, neither does it increase the risk to private actors in states.

Table 3: States without SOGI Laws in Public Accommodations but with Religious Entity Refusal

State	Clergy Refusal	Religious Organization Refusal	Tax Exempt Status Protected	Date Refusal Law Enacted
Mississippi	✓	✓	✓	7/1/16
Oklahoma	✓			11/1/15
Texas	✓	✓	✓	6/11/15
Utah ¹⁰	✓	✓	✓	5/12/15

⁷ Movement Advancement Project (2023).

⁸ Three of the four states listed in table 3 protect tax-exempt status and more for religious entities. Mississippi outlaws "discriminatory action" broadly defined, Texas precludes "any other action by this state or a political subdivision of this state to penalize or withhold benefits or privileges," and Utah disallows "government retaliation."

⁹ It is tempting to think that refusal rights are much more important in states with SOGI laws than in those without, and to suggest a more continuous measure of how safeguarded a state is in an area. However, RLS maintains its position that—since it is not possible to objectively assign magnitudes of this sort—the simplicity and transparency of binary measures is most appropriate.

¹⁰ According to Movement Advancement Project's (2023) cataloging of nondiscrimination laws, Utah does have SOGI laws in employment and housing.

2. Methodology

With the exception of the updating process by legal citators referenced above and detailed below, RLS 2023 has made no changes or additions to its methodology from what was developed for the construction of the first index in 2022. Nevertheless, in this section we review the whole of our approach for two main reasons. First, each annual publication of RLS should stand largely on its own. RLS constructs its own dataset, and so credibility of even the most comprehensible elements of the project—like the ranking of states or colorful figures—hangs on the quality of the publicly available dataset and also on the careful design and implementation of the process that produces it. Our emphasis on methodology reflects the fact that indexes, which are inherently simplifying of a complex reality, are only as valuable as the clarity with which they approach the concept being measured and the intentionality of its practical implementation. Second, with the benefit of time, the importance of some elements of RLS methodology—perhaps steps that were inspired by practical need or that may have been addressed subtly in an earlier project description—becomes more clearly essential to the approach of RLS and its ability to succeed over time. In the following, we also implicitly address some of the most frequently asked questions about RLS. Explicit responses to many of these questions can be found on our updated website at religiouslibertyinthestates.com.

What Kind of Liberty?

Just as the spirit of positive pluralism is fundamental to the ethos of this project, so also a precise conception of liberty must underlie every element of our quantitative process. In fact, defining liberty with precision is essential to our good-faith, systematic effort toward measuring as objectively as possible the interstate variation in existing legal safeguards for religious liberty. Especially given the potential for a broad constituency for this project in terms of religion, political persuasion, sphere of influence, and cultural context, it is necessary to establish what we mean by religious liberty.

In addition to the clarity of communication provided by a precise definition, a measurement project like RLS simply must decide what it is measuring. Quantitative analysis, as any other framework for analysis, cannot be all things to all people; a project cannot go deep while remaining too broad. For an index, defining its maximum possible scope is essential. For RLS, whose scope is circumscribed by its conception of liberty, clarity on that concept is critical both for the practical steps that are described below and for careful communication regarding what our project can and cannot say.

Ultimately, RLS defines liberty as the freedom from external coercion by the state, and so the religious liberty safeguards we measure are instances of the state limiting its own coercive ability over individuals, organizations, and communities. Consequently, the safeguards we examine in state laws are those that protect citizens' free exercise from the power of the state. Some will recognize this conception of liberty as consistent with "negative liberty" in the simple dichotomy of Berlin (1969) or freedom in the sense of *freedom from*. In this way, RLS conforms with perhaps the most well-known articulation of religious freedom in the US, the

First Amendment to the US Constitution, which states that "Congress shall make no law... prohibiting..." thereby limiting the power of the government. The RLS 2022 report presents a more developed discussion of liberty,¹ including an explanation of an alternative framework based on a more comprehensive "triadic relation" as described by MacCallum (1967). If any sort of liberty, with its many dimensions, can be defined by specifying for *whom* liberty is granted, in the course of doing what or for *what*, and *from what* they are free (MacCallum 1967, 312), RLS focuses on a liberty defined by the *from what* dimension (namely, the consequences of state power) but remains interested in liberty for all religious persons and for religious exercise.

While our decision to focus on negative liberty is a practical one, we are aware that many people will be motivated to explore or apply this index to broader issues of human flourishing, to a different notion of freedom, or perhaps in pursuit of specific ends for which liberty is only the means, such as robust religiosity or a well-functioning pluralist society. One limitation of RLS is that it does not and cannot reflect all the notions of freedom or liberty people could aspire to for themselves or, in a healthy pluralist society, for their neighbors, let alone the myriad objectives of these varying conceptions of liberty. Some will argue that government-facilitated "positive liberty" is desirable, such that religious people have a *freedom* to enjoy certain experiences or opportunities that they could not facilitate on their own (for example, taxpayer-funded school vouchers to attend private or parochial schools). RLS cannot by itself speak to all these things, but because the project is clear about what the index actually measures, it can play a role in studying the relationships that contribute to a more multifaceted production of religious liberty, broadly understood.

Letting States Speak

Rather than using a philosophical, theoretical, or value-oriented designation of what areas of life are critical for religious exercise and, therefore, where the law might impinge upon free exercise, RLS aims to identify any area where even one state indicates in its laws that a provision therein is intended as an exception, exemption, or accommodation for religious reasons. In this way, we do not proceed from predetermined subject matter and we guard against our own biases. That America is increasingly diverse, and that living according to one's beliefs is not limited to communal worship, the ministerial professions, or devotional disciplines, suggests a broad swath of individual and communal life that may be critical to a pluralistic people living according to conscience. We allow states to reveal to us elements of their law that are meant to safeguard an area of American life that has religious relevance to their residents.

Allowing states to speak through the language of their laws, indicating for us the set of potential safeguards of free exercise, is conceptually straightforward but impracticable as a search method. Many states' statutory laws allow some

¹ See Appendix A: What Kind of Liberty?, in Estelle, *Religious Liberty in the States* 2022, 71–74

kind of keyword search, but then all states reference religion for a wide variety of reasons, including what they disallow with respect to state establishment or provisions for positive liberty (e.g., specifying what public schools cannot do with religious intent). A project like RLS needs a more tractable approach to sorting through potential items. In practice, the RLS team relies to a great extent on external cues from other organizations' publications (like the webpages we cite in our data appendix), scholarly publications, and suggestions from within states—from citizens, advocacy groups, and those involved in political processes.

Early in the process of constructing RLS 2022, we employed standard research techniques to locate secondary sources that cataloged legal provisions in various ways or conducted case analyses within different topics the authors conceived of as related to religious liberty. We then confirmed with states that they were, as indicated in the letter of their laws, instituting the safeguards with religious practice or belief in mind. In a number of cases, these external sources were concerned with what their authors considered the intrusion of religious people upon others' rights by religious people advocating for what RLS would call negative liberty. While these sorts of publications seem to pit negative liberty against positive liberty, with preference for positive liberty or affirmative rights claims, this does not compromise our ability to learn from these external sources. In fact, these different perspectives only strengthen our project, since we gathered ideas about religiously relevant subject matter from religious liberty skeptics and from high-quality scholarship, regardless of religious belief or conceptions of liberty.

Since then, RLS 2023 also has made use of suggestions from interested parties and users of RLS. Because these suggestions come from a self-selecting portion of the overall population, we are doubly conscious to systematize our approach to processing suggestions and seeking new items for the index, with every suggestion—no matter what its provenance—needing to pass tests of applicability and feasibility described below.

Item Selection

For the RLS index to be accurate and the aggregation process credible, the items we include as contributing to a safeguard must each meet multiple criteria, something we ensure through the systematic process that follows.

1. Considering Suggestions

Conscious of the potential pitfalls of employing personal insights, including our own, we consider all suggestions carefully. We value the local knowledge of those with feet on the ground and the expertise of people professionally engaged in areas related to religious liberty or the topics comprising the index. But we do not simply take what is offered to us. Rather, we actively seek items that may interest people of different religions, political persuasions, and in different geographical contexts than those we hear from most. We understand and value suggestions that derive from state-specific sources. We have heard from individuals who want to ensure their state is docked for something they think is detrimental and yet from others who want credit for something they think our measure

underappreciates. But we cannot let these suggestions steer us toward an unequal treatment of an item or of a state.

If RLS were to add items or assess a state based only on what a state's residents, state-based lobbying groups, or legislative associations want us to report, RLS would become a measure of who *wants* religious liberty (or at least the positive publicity) enough to tell us their states' good deeds.

In practice, RLS takes any specific suggestion as inspiration for a fuller search among related areas of the law and across all states, noting what areas of life we may not have considered before and what new keywords might give traction in our general search techniques. If the feedback leads us to conclude we have made a mistake, we consider how to systematically search out other similar (potential) mistakes so that we have an even treatment.² Unequal treatment—of states or items—is inconsistent with the objectivity we aim for and directly undermines any aggregation effort and the quality of research that can flow from our project.

2. Considering the Kind of Liberty

Each potential item must be expected reasonably to represent a true measure of the protection of free exercise. RLS establishes this first by looking to the letter of state law to see indication of religious concerns. However, RLS is focused on negative liberty for the reasons explained above. Consequently, a chief criterion for our item selection process is that we can see that the state is binding itself from restricting free exercise.

3. Understanding Federal Context

Using state laws that are written and publicly available facilitates the transparency that contributes to objectivity. However, it is inappropriate to take state law entirely at face value. States' laws do not always express the implications of federal law or update to changes in the federal context; in light of the federal context, some state laws may be unenforceable and others may be practically redundant. Therefore, RLS undertakes a search for federal rules, laws, and court opinions relevant to every candidate item for our index so as to characterize what space remains for states to undertake their own safeguarding of religious liberty.³ If there are opportunities, in reality, for states to safeguard free exercise, and if we can define that space clearly, then we can interpret the letter of states' laws and record the true variation across states.

4. Locating Laws in All Fifty States

For an index measure to be meaningful, there must be sufficient publicly available data that allow comparisons of like items across all states. Consequently, we must find an item in every state's law or know with confidence that we have not found that item because it is in fact not there. While not all states employ the same language for analogous provisions of laws, which complicates this step, we have thus far not found it impractical to locate all the laws we need to reference for any candidate item. We have, however, found it infeasible to locate sufficiently clear definitions within states' laws in some cases, which has made it impossible to accurately characterize what states mean by their laws.

² The only error we were alerted to following the publication of RLS 2022 involved Arkansas's general conscience provision for health-care providers. While our 2022 process identified more general conscience clauses (five) than any other external source of which we were aware, we did not locate Arkansas's through our original process. That feedback helped us refine our search method, undertake another thorough search of public and scholarly publications, and consequently locate a general conscience clause in Ohio's laws too. Although we did not find any others, the additional search increases our confidence that where we have not found similar laws in other states, it is because they do not exist.

³ One suggestion we received for a potential new item involved religious attire and grooming requirements that may be precluded by standards set forth for public-sector employees. While these topics have historically been an issue in a way that varied across states, today they are largely settled by Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, as explicated in a document from the US Equal Employment Opportunity Commission: <https://www.eeoc.gov/laws/guidance/religious-garb-and-grooming-workplace-rights-and-responsibilities>

5. Understanding the Letter of the Law

Each item must be amenable to objective reading and scoring. Unlike many other well-known indexes, RLS cannot rely on existing, external datasets due to their limited availability and scope.⁴ Some advocacy groups have at intervals collected information on one area of law or another. A few law review articles have conducted more thorough analyses of an area of law across states.⁵ Moreover, some sources that are topically related to our items are not directly applicable to this project because they are dated, analyzed according to different objectives (i.e., not with religious liberty measurement in mind), or presented in ways not readily translated into quantitative measures. While we do make important use of some external sources as described in the data appendix, the dearth of comprehensive datasets about the subject matter of RLS makes one of the most significant contributions of this project the creation and maintenance of an integrated dataset about state-level religious liberty law.

Because we cannot outsource the measurement responsibility of the individual items of our index, we must be careful to select items that are feasible to understand and report objectively. We have been successful if, taking as a given this project's definition of religious liberty, any reader of the constituent laws is able to arrive at the same conclusions we do on the individual items.⁶

6. Dichotomizing the Letter of the Law

Individual item scores in any index must have magnitudes that are unidirectional. In other words, items must be dichotomous or monotonic, either way being naturally ordered by magnitude with respect to the subject of interest. Rather than engage in subjectively assigning magnitudes to the letter of state laws, we narrow our analysis to items that can be thought of as existing or not. While this reduces what are otherwise interesting differences across states, it is necessary for both objectivity and the ability to form the index.

Updating

Once an item passes all the above tests, we provide the citations from the fifty states' laws to a legal researcher who undertakes the process of updating using legal citators. Employing two popular legal citators, Westlaw's KeyCite and Lexis's Shepard's, RLS locates and reviews the documents that cite the statutes in our data. Rather than reading all the citing documents, we rely on the KeyCite "flag" and Shepard's "signal" that result from Westlaw's and Lexis's proprietary algorithms and indicate whether a statute has any negative results, that is, any citing documents that bring into question whether the statutory law is valid.

While these citators and their signals are widely trusted to accurately report citing documents, especially when used in tandem, the indicators should be expected to overstate the number of citing documents that will, in reality, impact our use of statutory laws. We initially narrow what could be a broad search of all citing documents to those with dates appropriate for our measurement period (before December 31, 2021, for RLS 2022 and before December 31, 2022, for RLS 2023) and to documents that have statewide implications, since ours is a measure of safeguards at the state level. The types of documents we are most interested in, then, are constitutional and statutory amendments, state supreme court opinions, and federal court opinions.⁷

Still, flags and signals are at most a first indication of whether a negative result is relevant to RLS. If KeyCite returns a yellow or red flag, or Shepard's a yellow or red signal, the legal researcher reads the citing documents that produced that indicator to determine whether the negative treatment affects the element of the statute that RLS utilizes. If it narrows a safeguard we previously read in the letter of a state's statutes, we indicate that in the notes column of our dataset. If it eliminates a safeguard that still appears in a state's statutes, we recode and rescore according to what is true with the new treatment, noting those changes as well.

RLS now provides carefully updated data for both project years 2022 and 2023. In each, only three scores among 1,700 were affected. Though this changes very little in our data, it does not diminish the confidence this process contributes to the whole of our data, including the items where no changes were needed. We encourage users of our data to always use the most current dataset, which reflects our best assessment of current and past years' legal landscape including the results of updating.

Coding and Scoring

RLS examines specific state statutes, and in limited cases constitutional provisions and regulatory rules, with the goal of characterizing the laws consistently across states within an item and consistently across items, too, for the purposes of aggregating into the index. Figure 4 illustrates the process of moving from raw data (the language of laws) to a valid RLS index. Step 1, selecting items, proceeds as described above, determining the scope of the index. Step 5, calculating each state's index score, is the final goal. The intervening steps are designed primarily to serve that objective.

Figure 4: Steps to Constructing the RLS Index



⁴ For example, the prototypical index in the liberty literature, the *Economic Freedom of the World* index (Gwartney et al. 2021), published annually since 1995, uses multiple external datasets.

⁵ The research protocol and data from Sawicki (2019) is a prime example, covering all fifty states. Far more common are analyses that draw largely from examples of a limited number of states.

⁶ Alternatively, some large-scale global indexes, like the Varieties of Democracy index (V-Dem), convene panels of experts to score more complex or nuanced data (Coppedge et al. 2022). In the context of RLS, in future years a diverse panel of external experts could be convened and asked to score items according to a shared definition of religious liberty. A data aggregation strategy could then construct combined item scores based on the individual assessments of panelists, since they might differ, even when panelists agree on the concept being measured.

⁷ Statewide impacts could also follow from constitutional or statutory provisions that conflict with our statutes, but citators will only identify such conflicts if the statute in question is cited.

Key Terms

data

(Raw) data: the as-written laws of states. Data, generally: representation in words, codes, scores, or other numerical representation of the legal protections of religious liberty in the states.

code

A letter representing an array of qualitative characteristics of a state's law, but still only those that are objectively discernible. (These might indicate how a state manages to safeguard an area, say, by not acting at all in a specific space or with a religious exemption in an area where the state is active.)

score

A number reflecting whether the law represents the presence of a safeguard (1) or its absence (0).

Defining Codes

After identifying the set of items to be considered, the RLS team takes each in turn, first defining a system of lettered codes to indicate the way in which a state engages (or does not) in that area. We are not constrained by a certain number of codes we can define, as we are with the number of scores, which are binary by design. And while the quantitative measures we compile into the index need to be ordered by magnitude, codes need not have a certain relationship to each other, except that they are mutually exclusive and the list of them for an item must exhaust the possibilities, resulting in one code per state. In defining codes, we can more concisely communicate the variation we observe across fifty states' laws, reducing the complexity of the raw data, but still reserving some interesting differences for consideration of other researchers.⁸

Assigning Scores

The primary purpose of codes is to facilitate careful analysis of the different ways states can safeguard (or not) in a given area. Codes are converted to scores based on whether the code is consistent with a safeguard (score = 1) or not (score = 0). While the score for each state on an item follows directly from its code, it is not always obvious how codes should translate into scores. This is especially true where states have no explicit exemption or accommodation associated with an item.

Missing Exemptions

RLS considers carefully how to record missing exemptions, both in defining a sufficient number of codes and in translating codes into dichotomous scores. When all states are active in a space such that each one imposes upon religious liberty, there is no reasonable way to interpret a missing exemption, accommodation, or protection as a de facto safeguard. This is the case for four out of seven groups in RLS 2023; all states have laws that restrict voting, require immunizations and

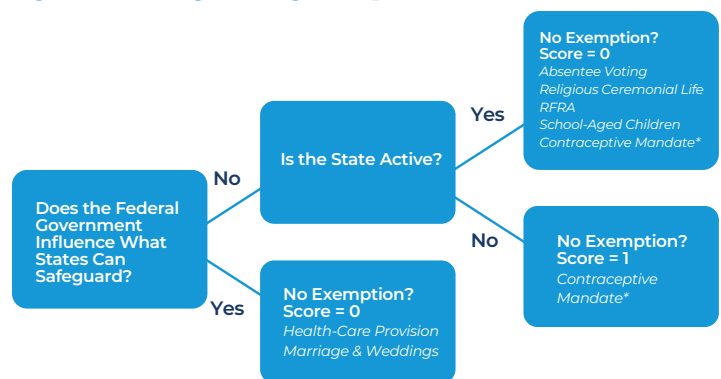
attendance of school-aged children, and affect religious ceremonial life even inadvertently (e.g., mandatory reporter laws and minimum legal drinking age laws) while also making laws of general applicability that may inadvertently burden religious people (hence the need for the broadly applicable Religious Freedom Restoration Acts).

Conversely, where states are silent or inactive, there may not be a natural place or a need for an explicit safeguard to appear.⁹ For example, some states have a contraceptive mandate for employer-provided health insurance, while others do not. Among those that do, some allow an exemption for religious employers, broadly defined; others do not. Only states that have contraceptive mandates can be reasonably expected to provide an exemption. States without contraceptive mandates have nothing to safeguard religious employers against in this regard.¹⁰

However, for some items in RLS, it appears that federal influences have motivated states to implement safeguards, regardless of their own activity in that space. States cannot offer exemptions to federal law where federal law applies to state jurisdictions. Nevertheless, it is clear that at least some states perceive an opportunity to safeguard religious liberty, or a need to do so, based on federal law and Supreme Court decisions. A key example of this is Mississippi's extensive protections for individuals (clergy, public officials, and for-profit businesses) and religious organizations that emerged after the *Obergefell* decision regarding same-sex marriage.

Thus, when a state lacks an explicit safeguard in an area, our coding of the relevant items carefully considers both the federal context and the state's own interventions before determining whether the lack of an explicit protection is putting religious liberty at risk or not. Figure 5 summarizes the way in which RLS understands three scenarios that aid our interpretation, and thus coding and scoring, of missing exemptions. It also notes where each of the seven groups in RLS 2023 fall within this framework. The asterisk draws attention to the fact that states may or may not have their own contraceptive mandates and, if not, do not need to provide religious exemptions to be counted as safeguarding in this way.

Figure 5: Scoring Missing Exemptions



⁸ As an added benefit of our process, items codes—not to mention hyperlinks to cited laws—give researchers easy access to additional variation in how the items play out over states, a level of detail which is necessarily reduced in the process of aggregation. Distinct codes for each item will aid other research efforts. Besides constructing scores, RLS does not use the fuller variation in state laws reflected in the codes. However, those codes are conducive to qualitative research and quantitative analysis of categorical data.

⁹ RLS takes care to note that, especially where states have no laws in an area and thus no exemption from the law, the situation theoretically could be one that is more conducive to religious liberty (e.g., not having laws in an area poses no risk to religious exercise) to having a law that needs an exemption to cohere with free exercise. At the same time, if federal law puts at risk religious exercise in an area and states are capable of protecting their residents but do not, this may be thought of as something akin to a state being asleep at the wheel. The state is inactive in both these cases, but its score will be different.

¹⁰ There is also a federal contraceptive mandate imposed by the Affordable Care Act, but current federal regulations allow an exemption for a broad array of employers with religious or moral objections. So, while states cannot offer fewer or more exemptions to the federal mandate, they can effectively shrink the space for free exercise by implementing their own mandate with more limited or no religious employer exemptions.

Aggregation

For the credibility and objectivity of this project, it is important that all the coding and scoring is completed, verified, and otherwise tested before moving in the direction of final index scores and rankings. Once all items have had this thorough verification, steps 4 and 5 above, aggregation, can begin. Additionally, in the inaugural year of RLS it was necessary to carefully consider the weighting system by which the aggregation would occur before aggregating scores rather than after results were obtained.

Key Terms

safeguard score

The aggregated score of all items in a safeguard. If there are multiple items within a safeguard, it is a simple average. If it is a single-item safeguard, the (item) score and safeguard score are the same.

index score

The aggregate score of all safeguards. The index score for each state is the sum of its safeguard scores, divided by 14 and then multiplied by 100 to provide a percentage.

ranking

The number (one through fifty) indicating the extent of safeguarding by a state relative to its peers, where first place is the most safeguarded and fiftieth the least.

Constructing Safeguard Scores

The structure of the data points to a sort of natural aggregation. Conceptually, the thirty-four items in RLS 2023 form fourteen safeguard areas, thirteen associated with distinct areas of exercise plus RFRAs, which apply to any law of general applicability that “substantially burdens” religious exercise and therefore any number of areas of life. If one understands a safeguard as allowing freedom from state-imposed constraints on particular actions or behaviors, then some safeguards can be established (and are established in practice) with one element of state law, and others in practice may involve more components (e.g., by specifying *who* is protected *from what* negative consequence).

For example, absentee voting in a state is either available for those who give religious reasons or it is not. When it is available, that applies to all *whos* (voters) and the *from what* is universal as well (lacking the opportunity to vote because of one’s religious dictates).¹¹ Thus the safeguard of absentee voting is dichotomous and fully captured in one item; likewise, any other single-item safeguard has a safeguard score, requiring no summation, of 0 or 1.

Alternatively, the refusal of health-care providers to participate in sterilization procedures may be allowed under a state’s law for three potential *whos* (individual providers, private hospitals, and public hospitals) and protect them *from* up to three different consequences (civil liability, criminal liability, and other government action). While the safeguard score for absentee voting, as described above, is simply the score of the one item, the safeguard score for sterilization refusal is the combination, with equal weights, of its six items.

In this way, although each item in a multi-item safeguard is scored as 0 or 1, any safeguard with more than one item is constructed by adding up item scores, dividing by the number of items, and obtains a decimal between 0 and 1, inclusive. Thus, the safeguard score of a multi-item safeguard reflects somewhat more continuously (in the mathematical sense) the degree of protection provided.

Constructing the Index

Each state’s index score is the sum of all its safeguard scores divided by the total number of possible safeguards, then multiplied by one hundred. Consequently, the final RLS index score for each state can be understood as a percent of the observed frontier or ideal defined by an imagined state that has codified in its laws the full set of the real-world, observed safeguards.

This simple formula implies that the RLS index is an equal weighting of the fourteen safeguards. Philosophically, some might argue that certain spheres of life are more central to faithful living than others, but these debates would almost certainly differ across religious traditions and, to the extent that numerical weights would be assigned, even among coreligionists.¹² Mathematically, one might want to weight more heavily the safeguards where states have more items to act upon to show appreciation for states that have done so. Economists might advise us to weight by the costs, where costs are not limited to dollars and cents but rather capture the full consequences of a missing safeguard. Theoretically, this is highly appealing, although it would require understanding both the gravity of an impediment to religious exercise for an individual and how many individuals would be affected.

We do not attempt any of these approaches as they all have their own limitations, including objectivity for the philosophical and economic measures. In weighting safeguards equally, RLS is simple and transparent. If one disagrees with our aggregation approach, one can propose an alternative and use the public RLS data to construct it. The simplicity of the RLS calculation also makes the implications and application of the index results more apparent. RLS can be understood as a count of actual safeguards in a state compared to the potential set of safeguards, where safeguards can be partially provided (missing some *whos* or *from whats*). This means 0s point directly at feasible—at least as revealed in the actions of other states—room for improvement in each state.

Validating the Index

Before undertaking step 5, we verified the codes and scores of each item by rereading each source law and comparing our conclusions to any external sources, as described in the appendix. As in RLS 2022, the index scores and rankings presented now for RLS 2023 are the results of the first run of computer code and have not been adjusted in any way based on those results or for any other reason.

In RLS 2022, we reflected on multiple other conceptions of validity to illuminate the index’s strengths, RLS’s room for improvement, and the inherent limitations of indexes. RLS remains strong on *face validity*, which requires that the selected items reflect what we aim to measure, whereas we rely on states themselves to indicate statutes as religiously

¹¹ There is observable variation in how state laws provide alternatives to voters with religious concern about voting at their polling place, but not all of that variation can be considered liberty-enhancing or restricting for religious people; all-mail voting, no excuse absentee voting, and religion serving as an acceptable reason for requesting an absentee ballot are all—in practice—safeguarding of religious voters’ free exercise.

¹² We have heard from some legal scholars that state RFRAs, for example, “should” conceptually carry more weight in a state’s safeguarding since they are not limited in impact to only certain types of laws or areas of citizens’ lives. Yet other scholars have suggested that courts may relatively easily reject the religious liberty claims of RFRAs by deciding that the state has a compelling interest, and thus RFRA does not apply. This is a perfect, though regrettable, example of the reality that the overall impact or influence of a particular safeguard is not objectively quantifiable. What we can say objectively is whether a safeguard exists or not.

relevant and our definition of liberty to confirm they are, in fact, safeguards. RLS 2023 reflects an improvement relative to RLS 2022 on *content validity* which, in the extreme, would require us to provide an exhaustive measure of the concept we seek to measure. While this is an impossible goal given the practical constraints of item selection described above, it is a worthy aspiration and one that continues to motivate the search for more items. We leave the question of construct validity to other researchers who can test whether our RLS index scores have expected relationships with other variables, although we also consider RLS valuable in that it can help test statistical relationships that are difficult to peg based on theory or case analysis. Constructing a dataset for multiple audiences with diverse uses and aggregating a meaningful index, in addition to our desire to remain objective in our analysis, means that correlating our index scores with other topics of interest (social, political, or economic) is outside the scope of RLS. In any case, it is better to encourage diverse and distinct efforts that consider religious liberty in relationship with many potential factors that may predict robust religious liberty or the consequences thereof.

Room for Disagreement

We asserted in RLS 2022 that in practice the most important test is the smell-test variation of face validity: Do parties interested in religious liberty accept that our process has identified and systematically measured the “right” things? We are encouraged by the attention this young project has already garnered from interested parties in state legislative branches, advocacy associations, and at national academic conferences.

Because RLS is a scholarly project, it invites engagement by those who might disagree in ways small and large. The transparency of this project—that we provide links to the precise laws we read, a full set of codes, scores, and notes on the ways those differ from external assessments, as well as the rationale that fills this section on methodology—should also make it easier for those who disagree to develop and test their own systematic treatments of codes, scores, or weighting schemes.

The Benefit of Time

With two years under its belt, RLS has fresh clarity on the above elements, what they look like in practice, and how central they are to the output we present in this report, in our data, and on the website. More time means more data points, as states change laws (albeit few in just one year’s time) and as we add more items, and the passage of time also means new opportunities to test our methodology and experience its flexibility. RLS 2023 has experienced growth through adaptation, but adaptation that is firmly within the constraints of its existing methodology.

The passage of time illuminates new challenges for users of RLS data and for the project as it maintains its principles. We have heard already from people in states who want to see improvements in their scores. We are encouraged that our

data have highlighted opportunities for improvement and role models, too, in the states that have successfully safeguarded dimensions of religious exercise. For proponents of liberty, the reality that states are responding is a good thing. For some researchers, though, states changing their laws complicates causal inference. To the extent that policies respond to the existence of RLS, this index is not an exogenous predictor of any number of outcomes one might hypothesize for religious liberty.¹³

With multiple audiences, each of which may have myriad motivations and goals for their use of this project, RLS will need to remain clear-eyed on its methodological and philosophical commitments. Interest in sustainability of this large and expanding project will not reduce RLS to a spreadsheet maintenance task. Neither should any other practical concerns separate the quantitative elements of this project from its theoretical and conceptual foundations, either in practice or in how the project is communicated. Appropriately and unavoidably, the complex question, What kind of liberty? must mingle with more practical questions, such as, How should scores reflect the difference between requiring an accommodation, permitting one, or having no apparent need for such accommodation? And the best practices of quantitative measurement are just as critical to the excellence of RLS as the motivating principle of positive pluralism. When a project is in development, its particularities are palpable. The act of invention, as noted in the foreword above, brings something from nonexistence into existence. And so, what now is but was not before, and hopefully why it has been created as it is, will be most apparent. That RLS is a long-term, annual project, and one that seeks to enable comparisons of data over time, requires a stable commitment to the philosophical and conceptual frame of reference that informs the measurement and practical elements of dataset construction and index aggregation.

None of this, of course, means that the project cannot improve over time. It has improved in this second year already, in the three ways described in section 1. By incorporating new items, the scope of RLS has come to reflect more of the multifaceted nature of living a life according to one’s faith, beliefs, or conscience. Updating by legal citators has dovetailed into the established RLS methodology, imparting a greater confidence in the scoring of items in our data. And, finally, recognizing the limits of quantitative analysis, appropriately incorporating legal analysis as in section 3, enhances the project in ways that more numbers simply cannot. For a project that is longitudinal—not just existing over time but facilitating analysis and learning over time—the continuity of this project in its methodology is critical. Year two of RLS is the first project year that could experience and reflect change. Just as a first derivative of a mathematical function reveals the rate of change of that function, so also this report illuminates the ways that change between years of RLS can proceed while not departing from an existing, known function.

¹³Another unrelated challenge, to empirical researchers especially, comes from the expansion of the scope of RLS over time. As cautioned in the executive summary above, every RLS user must be careful when interpreting changes in RLS scores and the ranking over time because the composition of the index itself is changing. RLS could take the approach of minimizing or concentrating changes in the composition of the index by, for example, collecting new data annually but only incorporating new items every five years so that the index scores and rankings would be comparable in years where there were no changes. Instead, as is consistent with the adage “more data is better than less,” we release data on new items and allow them to influence our published rankings as soon as possible, that is, annually. Still, in the RLS dataset we include the result of calculations of what each state would have scored in the current project year if we were only scoring them on the items measured in preceding years. So, this year’s data include comparable index scores based on the statutory laws of December 31, 2022, but only on the original eleven safeguards, for those who find this useful. Recall, though, that users are always welcome to reduce the set of items or safeguards they employ in their own assessments of the state of religious liberty protections.

3. The Respect for Marriage Act and Its Impact on State Religious Liberty

Patrick Garry and Gabrielle Unruh¹

Following the Supreme Court ruling in *Dobbs v. Jackson Women's Health Organization*, which struck down the constitutional right to an abortion,² opponents of that decision called for congressional action to protect same-sex marriage in the event the court might later overturn *Obergefell v. Hodges*, which had previously recognized a constitutional right to same-sex marriage.³ In response to these calls, Congress passed the Respect for Marriage Act (RFMA) in December of 2022.⁴ The act operates on the state level, requiring every state to recognize any same-sex marriage performed and legally recognized in any other state. This chapter examines the ways in which RFMA may affect religious liberty in the states in general and the various religious exemptions contained within some state antidiscrimination laws in particular.

Much controversy surrounded passage of RFMA. On one hand, supporters called for its urgent passage because of fears of wider and unknown implications from *Dobbs*.⁵ On the other, opponents worried that RFMA would further imperil the religious freedoms of believers in traditional marriage ("Vote 'No'" 2022). This chapter will attempt to delve beyond the controversy and objectively examine the reach of RFMA. However, to fully understand the reach of RFMA, it is first necessary to revisit the Supreme Court's decision in *Obergefell*.

The Relationship between *Obergefell* and RFMA

While designed by its supporters to serve as a backup plan should *Obergefell* be later overturned, RFMA's protections for same-sex couples are not as extensive as *Obergefell*'s. The act only mandates that states give "full faith and credit" to same-sex marriages lawfully performed in other states.⁶

Obergefell v. Hodges, however, recognized that the constitutional right to marry included same-sex couples.⁷ The court based its decision on substantive due process grounds found in the due process clause of the Fourteenth Amendment.⁸ According to the court, the right to marry is fundamental for four reasons: (1) personal choice in whom to marry is inherent to individual autonomy; (2) marriage supports a committed, two-person union that can only occur

in marriage; (3) it safeguards the best interest of children, even though childrearing is not the only purpose of marriage; and (4) marriage is essential to social order and administrative efficiency. Necessarily, the court also held that states must recognize lawful same-sex marriages performed in other states.⁹

Prior to *Obergefell*, the court had ruled in *United States v. Windsor* that the Defense of Marriage Act (DOMA) was unconstitutional.¹⁰ According to *Windsor*, DOMA denied same-sex couples the same rights and responsibilities that were given to heterosexual couples under federal law. As the court stated, "DOMA force[d] same-sex couples to live as married for the purpose of state law but unmarried for the purpose of federal law."¹¹ For instance, even where a state did recognize same-sex marriage, federal benefits inuring to married couples did not extend to those same-sex couples because of DOMA.¹² Such benefits included those relating to government health care, joint filing status on tax returns, social security, housing, bankruptcy, and more.¹³ Therefore, under the due process clause of the Fifth Amendment, the court held DOMA to be an unconstitutional deprivation of liberty.

The constitutional right to same-sex marriage under the Fourteenth Amendment, as recognized in *Obergefell*, applies only to government actors, that is, government authorities. This right has no applicability to private actors, such as clergy or religious organizations, and places no duties on private religious actors to perform or recognize same-sex marriages.

RFMA Responds to *Dobbs* but Does Not Codify *Obergefell*

The court's overturning of *Roe v. Wade*¹⁴ in *Dobbs* caused concern in some quarters that other fundamental rights might be in jeopardy.¹⁵ Although the court repeatedly stated that abortion is unique and that its decision did not implicate other fundamental rights,¹⁶ some did not accept this assurance. They argued that while the facts of abortion may be different from the facts of, for example, same-sex marriage, the due process clause of the Fourteenth Amendment underlies both

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² 142 S. Ct. 2228, 2284 (2022).

³ 576 U.S. 644, 675 (2015).

⁴ 168 Cong. Rec. H6719-20 (daily ed. July 19, 2022) (statement of Rep. Nadler). The *Dobbs* decision was issued on June 24, 2022, and the Respect for Marriage Act was introduced in the House on July 18, 2022. Compare *Dobbs*, 142 S. Ct. 2228 (2022) with H. R. 8404, 117th Cong. (2022); Respect for Marriage Act, Pub. L. No. 117-228, 136 Stat. 2305 (2022) (codified at 28 U.S.C. § 1738C) (hereafter: RFMA).

⁵ 168 Cong. Rec. H6719-20 (daily ed. July 19, 2022) (statement of Rep. Nadler).

⁶ RFMA § 4.

⁷ 576 U.S. 644, 675 (2015).

⁸ *Id.* at 665-69.

⁹ *Id.* at 681.

¹⁰ 570 U.S. 744, 774 (2013).

¹¹ *Id.* at 772.

¹² *Id.*

¹³ *Id.* at 771-74.

¹⁴ 410 U.S. 113 (1973).

¹⁵ 168 Cong. Rec. H6719-20 (daily ed. July 19, 2022) (statement of Rep. Nadler).

¹⁶ See generally *Dobbs*, 142 S.Ct. 2228, 2257 (2022). Justice Kavanaugh specially concurred to reemphasize this point. *Id.* at 2309 (Kavanaugh, J., concurring).

Roe and *Obergefell*. Thus, the critics argue, with *Roe* overruled, the constitutionality of same-sex marriage could be at risk (Krimmer 2022, 30).

Justice Thomas's concurrence in *Dobbs* exacerbated these worries. He called for revisiting the court's previous substantive due process approach, which for decades has proved to be a controversial method for discovering new constitutional rights. As Justice Thomas argued, the Fourteenth Amendment's due process clause guarantees process, not liberty.¹⁷ Supporters of same-sex marriage worried that Justice Thomas's position might include revisiting *Obergefell*, since that opinion rested on substantive due process grounds.¹⁸

No other justice joined in Justice Thomas's call for reexamination. Consequently, the fears that *Obergefell* would be overruled seem unjustified. Nonetheless, because of these concerns, Congress passed RFMA.¹⁹ In addition, fears were also expressed that the court might even overrule *Loving v. Virginia*, which in 1967 gave constitutional protection to interracial marriage.²⁰ For this reason, RFMA also applies to interracial marriage.

RFMA Only Requires Recognition

RFMA was signed into law by President Biden on December 13, 2022.²¹ The act affords a more limited protection for same-sex marriage than does *Obergefell*. While *Obergefell* creates a constitutional right to same-sex marriage, RFMA does not dictate that states perform same-sex marriages; the act only requires every state to recognize any same-sex marriage legally performed in any other state.²² RFMA cannot go as far as *Obergefell* goes—guaranteeing the right to same-sex marriage—in part because of the anticommandeering doctrine, which forbids the federal government from mandating states to enact their own statutes recognizing same-sex marriages (Stern 2022). Consequently, instead of mandating states to recognize same-sex marriages, section 4 of RFMA orders states to recognize, and hence give full faith and credit to, same-sex marriages performed in any other jurisdiction that does license such marriages, even if the recognizing state does not grant same-sex marriage licenses.²³

Section 4 also requires states to afford all rights associated with the institution of marriage to any couple who was lawfully married under any state's laws. Section 5 of RFMA states that federal law will consider a couple to be married if they were lawfully married under the laws of any state.

Since RFMA does not even require states to perform same-sex marriages, it in no way requires private actors, such as clergy and religious organizations, to perform such marriages. Moreover, because RFMA only requires that states give full faith and credit to marriages lawfully performed in any other state, the only duties imposed by the act are on government officials, not private individuals or organizations.

The Religious Exemptions in RFMA

RFMA does not significantly confer any tangible benefits on religious liberty, but neither does it materially burden religious liberty. Perhaps the greatest contribution the act makes to religious liberty lies in its recognition of the First Amendment's applicability. Section 6(b) states that "consistent with the First Amendment, nonprofit religious organizations... shall not be required to provide services [or] accommodations... for the solemnization or celebration of a marriage." This explicit statutory statement about the First Amendment has no legal or constitutional effect, but at least it reflects Congress's recognition of the First Amendment's applicability to religious liberty. Furthermore, section 2(b) states that "Congress affirms" that traditional views of marriage "are due proper respect" and that people who do hold such views may be "reasonable and sincere people" with "decent and honorable" beliefs. Again, this language carries no legal impact, but at least it expresses a viewpoint that seems so often lacking in political discourse.

Aside from these general statements in support of religious liberty, RFMA also contains several specific clauses aimed at comforting clergy or religious organizations that for religious reasons object to participating in same-sex marriage ceremonies. Section 6 of RFMA recognizes such objections and grants religious exemptions from any provisions of RFMA. Recognizing the First Amendment protections to religious organizations, RFMA states that such organizations are not "required to provide services [or] accommodations...for the solemnization or celebration of a marriage." A qualified individual or organization who refuses to provide any goods or services because of their religious beliefs cannot be sued for violation of RFMA.²⁴

RFMA in section 6(b) outlines the qualifying religious organizations and their employees who are explicitly given the right to refuse to participate in "the solemnization or celebration" of any marriage. However, it is important to note that religious clergy and institutions were never at the outset under any legal mandate under RFMA to perform or celebrate any marriage that contradicted their religious beliefs.

Section 7 of RFMA also purports to provide a protection to clergy or religious institutions that object to same-sex marriage. This section states that "nothing in the Act...shall... deny or alter any benefit, status, or right" of any religious entity objecting to same-sex marriage. Such benefits or rights include "tax-exempt status, tax treatment, educational funding, or a grant, contract, agreement, guarantee, loan scholarship, license, certification, accreditation, claim, or defense."

¹⁷ 142 S. Ct. at 2301 (Thomas, J., concurring).

¹⁸ *Id.*

¹⁹ 168 Cong. Rec. H6719-20 (daily ed. July 19, 2022) (statement of Rep. Nadler).

²⁰ 388 U.S. 1, 12 (1967).

²¹ RFMA § 3 repeals DOMA, which was previously held unconstitutional by *Windsor*, 576 U.S. 644, 675 (2015).

²² Many supporters of RFMA claimed that it codified *Obergefell*, but that is not the effect of the act (Cooke 2022).

²³ For example, despite the fact that the definition is unconstitutional under *Obergefell*, South Dakota defines "marriage" as being between a man and a woman. S.D. Const. art. 21, § 9; SDCL § 25-1-1. If *Obergefell* were overturned, these statutes would be given effect, and therefore, same-sex marriages would not be legally recognized in South Dakota. However, under RFMA, a same-sex couple could be issued a marriage license in another state that does legally recognize same-sex marriage, return to South Dakota, and South Dakota would have to recognize that marriage.

²⁴ RFMA § 6.

Importantly, the protections afforded to religious institutions in sections 6 and 7 relate only to the dictates of RFMA. They do not address any of the wider set of religious liberty concerns stemming from traditional views on marriage. The exemptions simply state that anything RFMA requires—which at this point, with *Obergefell* the law of the land, is not much—does not in turn require that religious organizations and their employees must participate in same-sex marriages.

Arguments against RFMA

Many arguments have been asserted against RFMA. As has been discussed above, some of the most heated political arguments against RFMA have exaggerated its impact.

One argument against RFMA is that it constitutes an explicit federal government recognition of same-sex marriage, elevating it to the same level of dignity and respect as traditional marriage (“Vote ‘No’” 2022). However, that recognition previously occurred in *Obergefell*. Moreover, if *Obergefell* is ever overruled, RFMA still would not rise to the same level of recognition of same-sex marriage, since the act does not create an independent, self-standing right.

A second opposition to RFMA is that it does nothing to protect private entities, such as wedding service vendors (Lee 2022). Numerous high-profile cases have already been brought against bakers and florists, for instance, who decline to participate in same-sex marriages.²⁵ While it is true that RFMA does not protect those entities or individuals, the act does not take away any protections that might have previously existed. Nor does the act contain any protections for nonprofit social-service organizations that try to uphold traditional views on marriage while carrying out social work in areas such as adoption and foster care.

Finally, the protections of section 7 may appear greater than they actually are. The act’s protection for tax-exempt status, for instance, is not well defined. The act states that “nothing in the Act” shall be used to deny tax-exempt status; however, there still might exist a myriad of ways in which tax-exempt status of religious nonprofits might be challenged in ways that might fall outside the narrow confines of RFMA. Since the act only seems to apply to the “solemnization or celebration” of a marriage, it might provide no defense to the tax-exempt status of an adoption agency that declines to place children in same-sex households and that is sued under a statute different from RFMA.

This tax-exempt provision of RFMA might constitute a valuable subject for further study by religious believers in traditional marriage. For instance, even though RFMA does not appear to concern or affect state antidiscrimination laws or statutory requirements regarding eligibility for public funds—e.g., religious adoption agencies that oppose same-sex marriage and yet receive public funding—might section 7 of RFMA nonetheless provide some protection?

RFMA and State Antidiscrimination Laws

In the absence of a judicial overruling of *Obergefell*, this act has virtually no effect on state law. RFMA would only preempt state law if *Obergefell* is struck down and if a state law denies recognition to same-sex couples who had lawfully married in another state. Even then, as now, other types of state laws, such as antidiscrimination laws, would appear not to be affected by RFMA.

RFMA and *Obergefell* are both separate from state antidiscrimination statutes, since both apply only to government actors. RFMA does not create a right to marriage; it just requires state officials to recognize any marriage performed in any other state, regardless of the marriage laws existing in the home state.

The state antidiscrimination laws that are most relevant to RFMA considerations are sexual orientation and gender identity laws. Some states, such as South Dakota, have no laws that prohibit discrimination based on sexual orientation,²⁶ and hence have no laws that would jeopardize individuals or entities that might decline to provide services for same-sex marriages.

Other states do have antidiscrimination statutes that include “sexual orientation” as a protected class.²⁷ Minnesota, for instance, is one such state. However, the Minnesota antidiscrimination statute also includes an exemption for clergy who refuse to perform marriage ceremonies for any reason.²⁸ This exemption is similar to the section 6 exemption in RFMA. However, the two statutes are noticeably different. While RFMA requires states to give full faith and credit to marriages performed in other jurisdictions, the Minnesota antidiscrimination statute places liability on private parties who violate its antidiscrimination statute.²⁹ Consequently, it appears that RFMA has no effect on Minnesota state law exemptions.

²⁵ See, e.g., *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 138 S.Ct. 1719 (2018); Thompson 2021.

²⁶ South Dakota’s antidiscrimination statutes protect the following classes from discrimination: race, color, creed, religion, sex, ancestry, disability, and national origin. SDCL § 20-13-10.

²⁷ Minn. Stat. § 363A.02.

²⁸ Minn. Stat. § 517.09.

²⁹ Compare RFMA with Minn. Stat. § 363A.02.

A third scenario involves states that have no antidiscrimination laws covering sexual orientation and yet have still passed right-of-refusal laws protecting religious clergy or organizations that decline to provide services for marriages to which they have a religious objection. Mississippi, for instance, has provided such right-of-refusal protections³⁰ and yet has no antidiscrimination law in public accommodations other than for disabled individuals.³¹ Therefore, no person or entity could be sued for refusing to perform a same-sex marriage. Nonetheless, Mississippi still enacted a right-of-refusal law, explicitly immunizing religious organizations from, among other things, state-imposed liability for refusing to perform same-sex marriages.³² This right-of-refusal law was enacted in the wake of *Obergefell* and undoubtedly served to reiterate the state's support of religious freedom. Other than that, it had relatively little legal effect.³³

Mississippi was clearly not compelled to pass its right-of-refusal law, and in fact its current legal environment is relatively no different from a state that had no right-of-refusal and no antidiscrimination law covering sexual orientation. This latter type of state—e.g., Alabama—under RLS would be considered to have a “missing exemption,” and is coded and scored accordingly. (See section 1 for more information on how RLS addresses missing exemptions of this sort post-RFRA.)

Finally, in a fourth scenario of state laws, some states have antidiscrimination laws that include sexual orientation coverage and yet do not provide any religious exemptions or refusal rights. Massachusetts is one such state. It is doubtful that the exemptions provided under RFMA would apply in Massachusetts to discrimination lawsuits.

Conclusion

Because the purpose of RFMA is to require states to recognize marriages performed under the law of other states, it seems that the only effect RFMA has on state law is where, in the event *Obergefell* is overruled, state laws deny protections to same-sex couples legally married in another state.³⁴ Because RFMA does not codify same-sex marriage, the decision of whether or not to issue marriage licenses to same-sex couples would be left to the states. Further, because RFMA does not codify same-sex marriage, it cannot be said that it would preempt a state's denial of a marriage certificate in the first instance to a same-sex couple.

³⁰ Mississippi statute, titled “Discriminatory action by state government prohibited,” has enacted extensive protections against state action that discriminates against religious beliefs or actors. These protections cover a wide gamut of protections against discriminatory government action, several of which apply to the provision of services for same-sex marriages. Miss. Code Ann. § 11-62-5 (2022).

³¹ See Miss. Code Ann. §§ 43-6-3, -5.

³² Miss. Code Ann. § 11-62-5(1)(a) (2022).

³³ The law, however, does provide that a state official who has a religious conviction against same-sex marriage may decline to license that marriage, providing some other state official performs that service. Miss. Code Ann. § 11-62-5 (8)(a). This law protects individual state employees, while also providing that the marriage be certified. This religious liberty provision would presumably survive RFMA.

³⁴ See SDCL § 25-1-38.

4. State Scorecards

RLS users who are interested in the details of one state or a subset of states will find individual state scorecards useful as each one details which items a state has codified in its laws. Where the scorecard displays “yes,” the research team has determined that a state has the safeguard or portion of a safeguard in place. A “no” indicates an item where at least one of the state’s peers has safeguarded religious liberty and it has not. In other words, this is an item in which the state has room for improvement. The ranking at the top of the scorecard indicates how the state matches up when taking all safeguards together and comparing across states. The first-place state is safeguarding the most areas of religious exercise and the fiftieth-place state the least. The percentage score that concludes the scorecard reflects the portion of feasible safeguards—again, indicated by peer states—that a state has in its statutes or constitution.

For more information on the aggregation method of RLS and thus how the percentage score is calculated, see [section 2](#) on methodology. For details on where a given state’s safeguard laws can be found, please access the public use dataset and its hyperlinked statutory citations at religiouslibertyinthestates.com. Some users may find the interactive map and the individual state pages on the website useful or convenient to share with neighbors, elected representatives, and the like.

Alabama is ranked **22nd** in 2023.

Opportunity for Absentee Voting?	No
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	Yes
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	No
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	Yes
Abortion Refusal with Protection from Government Consequences?	Yes
Abortion Refusal Not Limited in Medical Emergencies?	No
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	Yes
Sterilization Refusal with Protection from Government Consequences?	Yes
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 45% on the Religious Liberty in the States Index

Alaska is ranked 45th in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 33% on the Religious Liberty in the States Index

Arizona is ranked 17th in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	No
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 47% on the Religious Liberty in the States Index

Arkansas is ranked 7th in 2023.

Opportunity for Absentee Voting?	No
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	Yes
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	Yes
Abortion Refusal with Protection from Government Consequences?	Yes
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	Yes
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	Yes
Sterilization Refusal with Protection from Government Consequences?	Yes
Contraception Refusal for Individuals?	Yes
Contraception Refusal for Private Hospitals?	Yes
Contraception Refusal for Public Hospitals?	Yes
Contraception Refusal with Immunity from Civil Liability?	Yes
Contraception Refusal with Immunity from Criminal Liability?	Yes
Contraception Refusal with Protection from Government Consequences?	Yes
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 61% on the Religious Liberty in the States Index

California is ranked 48th in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	No
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	No
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	Yes
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	Yes
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	Yes
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	No
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	No

= 26% on the Religious Liberty in the States Index

Colorado is ranked **41st** in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	No
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	No
Abortion Refusal for Private Hospitals?	No
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	No
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	No
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	Yes
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	Yes
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	Yes
Contraception Refusal for Private Hospitals?	Yes
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	Yes
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= **35%** on the Religious Liberty in the States Index

Connecticut is ranked **29th** in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	No
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	No
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	Yes
Religious Organization Nonparticipation?	Yes
Tax-Exempt Status Protected?	Yes
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	No
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	No
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	No

= 41% on the Religious Liberty in the States Index

Delaware is ranked 13th in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	Yes
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	Yes
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	Yes
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	No

= 50% on the Religious Liberty in the States Index

Florida is ranked 8th in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	Yes
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	Yes
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	Yes
Religious Organization Nonparticipation?	Yes
Tax-Exempt Status Protected?	Yes
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	Yes

= 60% on the Religious Liberty in the States Index

Georgia is ranked 25th in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	No
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	Yes
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	No

= 42% on the Religious Liberty in the States Index

Hawaii is ranked 16th in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	No
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	Yes
Religious Organization Nonparticipation?	Yes
Tax-Exempt Status Protected?	Yes
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	Yes

= 48% on the Religious Liberty in the States Index

Idaho is ranked **19th** in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	Yes
Abortion Refusal with Protection from Government Consequences?	Yes
Abortion Refusal Not Limited in Medical Emergencies?	No
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	Yes
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 47% on the Religious Liberty in the States Index

Illinois is ranked **1st** in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	Yes
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	Yes
Abortion Refusal with Protection from Government Consequences?	Yes
Abortion Refusal Not Limited in Medical Emergencies?	No
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	Yes
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	Yes
Sterilization Refusal with Protection from Government Consequences?	Yes
Contraception Refusal for Individuals?	Yes
Contraception Refusal for Private Hospitals?	Yes
Contraception Refusal for Public Hospitals?	Yes
Contraception Refusal with Immunity from Civil Liability?	Yes
Contraception Refusal with Immunity from Criminal Liability?	Yes
Contraception Refusal with Protection from Government Consequences?	Yes
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	Yes
Religious Organization Nonparticipation?	Yes
Tax-Exempt Status Protected?	Yes
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	Yes

= 85% on the Religious Liberty in the States Index

Indiana is ranked 38th in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	No
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	No
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 35% on the Religious Liberty in the States Index

Iowa is ranked **33rd** in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	No
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	Yes
Abortion Refusal Not Limited in Medical Emergencies?	No
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	Yes

= 40% on the Religious Liberty in the States Index

Kansas is ranked **14th** in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	Yes
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 49% on the Religious Liberty in the States Index

Kentucky is ranked 39th in 2023.

Opportunity for Absentee Voting?	No
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	Yes
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 35% on the Religious Liberty in the States Index

Louisiana is ranked 27th in 2023.

Opportunity for Absentee Voting?	No
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	Yes
Abortion Refusal with Protection from Government Consequences?	Yes
Abortion Refusal Not Limited in Medical Emergencies?	No
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	No

= 42% on the Religious Liberty in the States Index

Maine is ranked **21st** in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	Yes
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	Yes
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	Yes
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	Yes
Contraception Refusal for Private Hospitals?	Yes
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	Yes
Religious Organization Nonparticipation?	Yes
Tax-Exempt Status Protected?	Yes
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	No
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	No

= 45% on the Religious Liberty in the States Index

Maryland is ranked 9th in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	Yes
Abortion Refusal Not Limited in Medical Emergencies?	No
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	Yes
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	Yes
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	Yes
Religious Organization Nonparticipation?	Yes
Tax-Exempt Status Protected?	Yes
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	No

= 57% on the Religious Liberty in the States Index

Massachusetts is ranked **31st** in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	Yes
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	Yes
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	Yes
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	Yes
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 41% on the Religious Liberty in the States Index

Michigan is ranked 40th in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	No
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	Yes
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	Yes

= 35% on the Religious Liberty in the States Index

Minnesota is ranked **24th** in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	No
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	Yes
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	Yes
Religious Organization Nonparticipation?	Yes
Tax-Exempt Status Protected?	Yes
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	No

= 43% on the Religious Liberty in the States Index

Mississippi is ranked 4th in 2023.

Opportunity for Absentee Voting?	No
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	Yes
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	Yes
Abortion Refusal with Protection from Government Consequences?	Yes
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	Yes
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	Yes
Sterilization Refusal with Protection from Government Consequences?	Yes
Contraception Refusal for Individuals?	Yes
Contraception Refusal for Private Hospitals?	Yes
Contraception Refusal for Public Hospitals?	Yes
Contraception Refusal with Immunity from Civil Liability?	Yes
Contraception Refusal with Immunity from Criminal Liability?	Yes
Contraception Refusal with Protection from Government Consequences?	Yes
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	Yes
Religious Organization Nonparticipation?	Yes
Tax-Exempt Status Protected?	Yes
Public Official Recusal?	Yes
For-Profit Business Nonparticipation?	Yes
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	No
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	No
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 64% on the Religious Liberty in the States Index

Missouri is ranked 27th in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	Yes
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 42% on the Religious Liberty in the States Index

Montana is ranked 20th in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	No
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	Yes
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	Yes
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 46% on the Religious Liberty in the States Index

Nebraska is ranked 44th in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	No
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 34% on the Religious Liberty in the States Index

Nevada is ranked 32nd in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	No
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	Yes
Religious Organization Nonparticipation?	Yes
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 40% on the Religious Liberty in the States Index

New Hampshire is ranked **49th** in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	No
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	No
Abortion Refusal for Private Hospitals?	No
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	No
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	No
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	Yes
Religious Organization Nonparticipation?	Yes
Tax-Exempt Status Protected?	Yes
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	No
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 21% on the Religious Liberty in the States Index

New Jersey is ranked 37th in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	No
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	Yes
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	Yes
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	Yes
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	No
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	No

= 36% on the Religious Liberty in the States Index

New Mexico is ranked 3rd in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	Yes
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	Yes
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	Yes
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	Yes
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	Yes

= 66% on the Religious Liberty in the States Index

New York is ranked 46th in 2023.

Opportunity for Absentee Voting?	No
Employer Exemption from Health Insurance Contraceptive Mandate?	No
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	Yes
Religious Organization Nonparticipation?	Yes
Tax-Exempt Status Protected?	Yes
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	No
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	Yes

= 27% on the Religious Liberty in the States Index

North Carolina is ranked 35th in 2023.

Opportunity for Absentee Voting?Yes

Employer Exemption from Health Insurance Contraceptive Mandate?No

Religious Freedom Restoration Act?No

Exemptions in Health-Care Provision

General Conscience Provision?No

Abortion Refusal for Individuals?Yes

Abortion Refusal for Private Hospitals?Yes

Abortion Refusal for Public Hospitals?Yes

Abortion Refusal with Immunity from Civil Liability?Yes

Abortion Refusal with Immunity from Criminal Liability?No

Abortion Refusal with Protection from Government Consequences?No

Abortion Refusal Not Limited in Medical Emergencies?Yes

Sterilization Refusal for Individuals?No

Sterilization Refusal for Private Hospitals?No

Sterilization Refusal for Public Hospitals?No

Sterilization Refusal with Immunity from Civil Liability?No

Sterilization Refusal with Immunity from Criminal Liability?No

Sterilization Refusal with Protection from Government Consequences?No

Contraception Refusal for Individuals?No

Contraception Refusal for Private Hospitals?No

Contraception Refusal for Public Hospitals?No

Contraception Refusal with Immunity from Civil Liability?No

Contraception Refusal with Immunity from Criminal Liability?No

Contraception Refusal with Protection from Government Consequences?No

Exemptions for Marriage Solemnization and Wedding Participation

Clergy Nonparticipation?No

Religious Organization Nonparticipation?No

Tax-Exempt Status Protected?No

Public Official Recusal?Yes

For-Profit Business Nonparticipation?No

Provisions for Religious Ceremonial Life

Clergy Exemption from Mandatory Reporting Laws?No

Ceremonial Use of Alcohol—Furnishing to Minors?Yes

Ceremonial Use of Alcohol—Consumption by Minors?Yes

Accommodations for School-Aged Children

Exemption from Childhood Immunization Requirements?Yes

Excused Absence for Religious Observance?Yes

Excused Absence for Religious Instruction?No

= 37% on the Religious Liberty in the States Index

North Dakota is ranked 17th in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	No
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	Yes

= 47% on the Religious Liberty in the States Index

Ohio is ranked **4th** in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	Yes
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	Yes
Abortion Refusal with Protection from Government Consequences?	Yes
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	Yes
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	Yes
Sterilization Refusal with Protection from Government Consequences?	Yes
Contraception Refusal for Individuals?	Yes
Contraception Refusal for Private Hospitals?	Yes
Contraception Refusal for Public Hospitals?	Yes
Contraception Refusal with Immunity from Civil Liability?	Yes
Contraception Refusal with Immunity from Criminal Liability?	Yes
Contraception Refusal with Protection from Government Consequences?	Yes
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= **64%** on the Religious Liberty in the States Index

Oklahoma is ranked **30th** in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	No
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	Yes
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	No
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 41% on the Religious Liberty in the States Index

Oregon is ranked 33rd in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	No
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	Yes

= 40% on the Religious Liberty in the States Index

Pennsylvania is ranked **10th** in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	Yes
Abortion Refusal Not Limited in Medical Emergencies?	No
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	Yes
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	Yes

= 55% on the Religious Liberty in the States Index

Rhode Island is ranked **15th** in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	No
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	Yes
Religious Organization Nonparticipation?	Yes
Tax-Exempt Status Protected?	Yes
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	No
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 48% on the Religious Liberty in the States Index

South Carolina is ranked **2nd** in 2023.

Opportunity for Absentee Voting?	No
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	Yes
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	Yes
Abortion Refusal with Protection from Government Consequences?	Yes
Abortion Refusal Not Limited in Medical Emergencies?	No
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	Yes
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	Yes
Sterilization Refusal with Protection from Government Consequences?	Yes
Contraception Refusal for Individuals?	Yes
Contraception Refusal for Private Hospitals?	Yes
Contraception Refusal for Public Hospitals?	Yes
Contraception Refusal with Immunity from Civil Liability?	Yes
Contraception Refusal with Immunity from Criminal Liability?	Yes
Contraception Refusal with Protection from Government Consequences?	Yes
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	No

= 67% on the Religious Liberty in the States Index

South Dakota is ranked 23rd in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 44% on the Religious Liberty in the States Index

Tennessee is ranked 12th in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	No
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	Yes
Contraception Refusal for Private Hospitals?	Yes
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	Yes
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	No
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	No

= 51% on the Religious Liberty in the States Index

Texas is ranked 42nd in 2023.

Opportunity for Absentee Voting?	No
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	No
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	No
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	Yes
Religious Organization Nonparticipation?	Yes
Tax-Exempt Status Protected?	Yes
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	No
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	No

= 34% on the Religious Liberty in the States Index

Utah is ranked **11th** in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	Yes
Religious Organization Nonparticipation?	Yes
Tax-Exempt Status Protected?	Yes
Public Official Recusal?	Yes
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 55% on the Religious Liberty in the States Index

Vermont is ranked 47th in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	No
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	No
Abortion Refusal for Private Hospitals?	No
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	No
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	No
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	Yes
Religious Organization Nonparticipation?	Yes
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 26% on the Religious Liberty in the States Index

Virginia is ranked 35th in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	No
Religious Freedom Restoration Act?	Yes
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	No

= 37% on the Religious Liberty in the States Index

Washington is ranked **6th** in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	Yes
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	No
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	Yes
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	Yes
Religious Organization Nonparticipation?	Yes
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	Yes

= 62% on the Religious Liberty in the States Index

West Virginia is ranked **50th** in 2023.

Opportunity for Absentee Voting?	No
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	No
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	No
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	Yes
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	No
Ceremonial Use of Alcohol—Furnishing to Minors?	No
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	No
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 14% on the Religious Liberty in the States Index

Wisconsin is ranked 25th in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	No
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	Yes
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	Yes
Sterilization Refusal for Private Hospitals?	Yes
Sterilization Refusal for Public Hospitals?	Yes
Sterilization Refusal with Immunity from Civil Liability?	Yes
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	No
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	Yes
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	No
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	Yes
Excused Absence for Religious Instruction?	Yes

= 42% on the Religious Liberty in the States Index

Wyoming is ranked 43rd in 2023.

Opportunity for Absentee Voting?	Yes
Employer Exemption from Health Insurance Contraceptive Mandate?	Yes
Religious Freedom Restoration Act?	No
Exemptions in Health-Care Provision	
General Conscience Provision?	No
Abortion Refusal for Individuals?	Yes
Abortion Refusal for Private Hospitals?	Yes
Abortion Refusal for Public Hospitals?	No
Abortion Refusal with Immunity from Civil Liability?	Yes
Abortion Refusal with Immunity from Criminal Liability?	No
Abortion Refusal with Protection from Government Consequences?	No
Abortion Refusal Not Limited in Medical Emergencies?	Yes
Sterilization Refusal for Individuals?	No
Sterilization Refusal for Private Hospitals?	No
Sterilization Refusal for Public Hospitals?	No
Sterilization Refusal with Immunity from Civil Liability?	No
Sterilization Refusal with Immunity from Criminal Liability?	No
Sterilization Refusal with Protection from Government Consequences?	No
Contraception Refusal for Individuals?	Yes
Contraception Refusal for Private Hospitals?	No
Contraception Refusal for Public Hospitals?	No
Contraception Refusal with Immunity from Civil Liability?	No
Contraception Refusal with Immunity from Criminal Liability?	No
Contraception Refusal with Protection from Government Consequences?	No
Exemptions for Marriage Solemnization and Wedding Participation	
Clergy Nonparticipation?	No
Religious Organization Nonparticipation?	No
Tax-Exempt Status Protected?	No
Public Official Recusal?	No
For-Profit Business Nonparticipation?	No
Provisions for Religious Ceremonial Life	
Clergy Exemption from Mandatory Reporting Laws?	No
Ceremonial Use of Alcohol—Furnishing to Minors?	Yes
Ceremonial Use of Alcohol—Consumption by Minors?	Yes
Accommodations for School-Aged Children	
Exemption from Childhood Immunization Requirements?	Yes
Excused Absence for Religious Observance?	No
Excused Absence for Religious Instruction?	No

= 34% on the Religious Liberty in the States Index

Appendix: Dataset Construction

This appendix¹ describes the procedures of data collection, coding, scoring, and verification for each group, safeguard, and item included in RLS 2023. Section 2 describes the process of combining item scores into safeguard scores and ultimately into the final RLS index score for each state.

There are seven groups (each starting with a blue text box below) and fourteen safeguards either nested within their groups or indicated as group/safeguard where they are one and the same. Since the structure of the data is nested (see table 2), the details that follow are also nested to avoid unnecessary repetition. We present information at the highest level we can (group, then safeguard, then item), but do not neglect any important detail at the level of each of the thirty-four items.

In addition to defining what each element is meant to measure, we carefully address all of the following:

- The influence of federal law, where relevant.
- The use of external sources. (Wherever possible, we have identified an external source with which to compare our codes and scores. In cases where external sources were out of date or incomplete from the perspective of RLS 2023, we have used the best available source. Where we disagree with a source's assessment of a state's law, we have noted that in the public data file available at religiouslibertyinthestates.com under columns labeled "Notes.")
- The approach to missing data (that is, state silence or inaction in an area).

Because we take very seriously the credibility of our data collection process and lack large external datasets, this appendix is written less with style of prose in mind and more with precision and parallel structures in mind. It also repeats many areas from the similar appendix in the report for RLS 2022 so that, in any given project year, researchers can use the current report to support their use of the most up-to-date publicly available data, without need for other supporting materials. For those who are most interested in the new elements of data collection, new items and safeguards for 2023 are indicated below. Users may reference the standard subheadings in each section to find the steps or information that is most interesting to them.

Notes for dataset users:

1. Lettered codes differ across the thirty-four items below, so please reference those carefully if you wish to make use of those data.
2. The public data file available at religiouslibertyinthestates.com includes data from RLS 2022 and 2023, reflecting the status of state laws as of December 31, 2021, and December 31, 2022, respectively. Differences in scores and codes across years of RLS reflect changes in state laws. That is, there have been no changes to coding or scoring typologies between years.
3. Where we have found errors in previously published data, RLS 2022 data, including the ultimate index scores of states, have been repaired and included in the current dataset. Consequently, users of any year of RLS data should always use the most recent longitudinal dataset available through the project, even if only interested in a past year's data.

Group/Safeguard/Item: Absentee Voting

At times, a religious person may find that voting at a polling place on election day conflicts with his or her religious beliefs, for example, due to a religious observance. The absentee voting safeguard protects the ability of an individual to participate in an election at another time or by other means. Among states that require a valid reason for absentee voting, some allow religious observance as an acceptable reason to receive an absentee ballot, while others do not. Some states allow more flexible voting for all voters via all-mail elections or no-excuse absentee ballots.

Federal Context

The federal government has not enacted any notable rule dictating election practice.

External Sources

The National Conference of State Legislatures (NCSL) details the absentee voting requirements of each state in its "[Voting Outside the Polling Place](#)" report. We utilize two tables from this report: "[Excuses to Vote Absentee](#)," which establishes the valid reasons some states require from those requesting absentee ballots, and "[States with No-Excuse Absentee Voting](#)," which details the ways other states provide flexibility in voting, including through all-mail elections. The summary codes as well as the statute citations provided in the December 31, 2022, version of these tables allowed us to find and corroborate our reading of state laws.²

¹ Camryn (Zeller) McGee was research assistant for Religious Liberty in the States 2022 and 2023 and contributed greatly to the development of this appendix.

² NCSL regularly updates these tables as state statutes change, making the most recent version of any table available at their website (ncsl.org).

Identifying Codes and Assigning Scores

We read each state law cited by the NCSL, including surrounding or related law as necessary, and coded each state according to the nature of its absentee voting laws (all-mail elections, no-excuse absentee voting, excuse for religious reasons, no excuse for religious reasons).³

Possible Codes

A = State has all-mail elections

B = State permits no-excuse absentee voting

C = Religion is a valid reason to receive an absentee ballot

D = Religion is not an acceptable reason to receive an absentee ballot/Cannot vote absentee for religious reasons

Possible Scores

1 = Those with religious reasons have alternatives available that would facilitate absentee voting (A, B, and C)

0 = There is no recourse for religious concerns in absentee voting (D)

Verifying Data

Throughout 2022, BillTrack50 provided the RLS team with updates on relevant bills and state laws related to absentee voting and all the citations from RLS 2022 data, ultimately revealing one statutory change that impacted the code and score in a state (Rhode Island). The statutes cited for this safeguard, whether changing this year or not, were reread in December 2022 and confirmed with the updated external data source from NCSL. The research team noted the reason for any disagreement with that external source in the notes of the publicly available dataset.

Missing Data

None. All states have laws on the allowable means of voting.

Group: Health-Care Provision

Federal law protects employees, including health-care providers, from religious discrimination. Additionally, federal law contains many conscience protections for health-care professionals (i.e., individuals) and health-care institutions (e.g., hospitals) that object to participating in certain health services. Many states safeguard free exercise in health-care provision even more broadly. This group of safeguards includes an indicator for the handful of states that provide general conscience protection for health-care providers as well as measures of conscience protections in reproductive services specifically. Within these specific services, states exhibit variation in who has the right to refuse, from what negative consequences the entity is safeguarded, and whether there are limitations to those safeguards.

Federal Context

[The Church](#), [Weldon](#), and [Coats-Snowe](#) Amendments together deny federal funding to entities that discriminate against those who refuse to participate in abortion, sterilization, or contraception. RLS, therefore, focuses on a range of other potential protections including civil immunity, criminal immunity, and protection from other state-level government action (e.g., licensure and state funding).

External Source

Sawicki (2019) and others at the Loyola University Chicago School of Law created a dataset of the [“Procedural Protections in Reproductive Health Care Conscience Laws”](#) current as of 2019. Using keyword searches within state laws, they create their database of protections, entities protected, and limitations to those protections for each reproductive health-care procedure.⁴ RLS uses Sawicki’s protections and limitations data for abortion, sterilization, and contraception and adapts the protected entity data to reflect who has the right to refuse participation in a reproductive health-care procedure. (Sawicki, notably, only asks *who* with respect to one *from what*, namely, civil immunity protections, since her overall focus is in the area of exemptions from the consequences of refusing to participate in a health-care procedure.)

Identifying Codes and Assigning Scores

We read the state laws cited by Sawicki, proximately located statutes, and those we located by keyword searches for RLS 2022. We assigned codes to each law according to the entities granted the right of refusal, the consequences the law protects them from, and in the case of abortion, emergency limitations.

Verifying Data

Throughout 2022, BillTrack50 provided the RLS team with updates on relevant bills and state laws related to conscience in health-care provision and all the citations from RLS 2022 data, ultimately revealing one statutory change that impacted many of the codes and scores in one state (South Carolina). The statutes cited for this safeguard, whether changing this year or not, were reread in December 2022 and confirmed with Sawicki (2019). While Sawicki’s data is similar to what we include in RLS in regard to the protections offered and the limitations to those protections, Sawicki’s project focuses on the variety of protections granted rather than the right to refusal. Consequently, RLS data for an entity’s right to refuse does not map perfectly onto the Sawicki data. RLS measures safeguards of religious liberty, that is, states limiting what they can do to individual and institutional actors, and so focuses on consequences that are driven by the state (criminal prosecution and government discrimination) as well as civil liability. Immunity from civil liability is consistent with RLS’s notion of negative liberty if federal or state laws establish or are treated as establishing an affirmative right to abortion.

³ In practice, early voting may provide a valuable alternative to voting on election day, too, although RLS does not consider it a perfect substitute for absentee voting in many states for three reasons: limited timeframe, limited locations, and in-person requirement. However, we are attuned to the fact that many states (46 of 50) offer early in-person voting (or what some call early in-person absentee voting) with varying time periods and qualification requirements or none at all. Missouri (§115.277), though, is the only state that both requires an excuse for early voting and accepts religion as one of them. Most states that mention qualifications for early voting seem motivated by physical disability. Still, based on RLS methodology, which requires that only one state indicate religious concern as a motivation for its law, future iterations of this project will consider this a potential safeguard of free exercise. Since it is not clearly a substitute for absentee voting in the way all-mail elections are, including early voting would introduce a new item, existing alongside the existing absentee voting item, within a safeguard. We table this potential change for future iterations of the project, but recommend NCSL’s [“Early In-Person Voting”](#) for those who are interested in the current status of early voting laws in the states.

⁴ More information about the Sawicki (2019) data collection procedures can be found in their detailed [Research Protocol](#).

For RLS 2022, it seemed clear that *Roe v. Wade* (1973) had done so for the relevant time period. Since *Dobbs v. Jackson Women's Health Organization* (2022), it is less clear that any federal ruling or laws imply an affirmative right to abortion.⁵ The Affordable Care Act continues to establish an affirmative right to contraceptives, as do many states' own contraceptive mandates.

Notes in our public dataset indicate areas where our scores differ from Sawicki (2019). We identified cases where Sawicki's team mistakenly reported a missing exemption, especially by ignoring general conscience allowances (which RLS includes) and neglecting definitions in state statutes where the definition of "contraceptive" includes sterilization procedures and thus has implications for sterilization-related items.

Missing Data

Reproductive health-care laws often appear in a variety of places within a state's law. This makes locating and accounting for all the laws that exist more difficult, as evidenced by Sawicki and her team's extensive search process. Accordingly, RLS assumes Sawicki's search process has obtained the relevant citations, and we largely assign our effort to fixing apparent mistakes, updating their findings (the last iteration of that project was completed in 2019), and adapting their measures to our focus on free exercise.

Safeguard/Item: Health-Care Provision—General Conscience

Eight states safeguard health-care providers and/or health-care institutions in their right to refuse to provide any medical care procedure based on conscience.

Federal Context

There is no analogous federal law.

External Source

Sawicki (2020) identifies three states with these laws. We find five additional states with these provisions and note that South Carolina passed a general conscience exemption for health-care providers in June 2022.

Possible Scores

(Note that there is no need for an additional code for this item as the score fully captures the objectively understandable variation across states.)

- 1** = State provides an open-ended conscience protection for health-care providers (safeguard applies to individuals or individuals and institutions)
- 0** = State does not provide an open-ended conscience protection for health-care providers

Safeguard: Health-Care Provision—Abortion Refusal (comprised of seven items)

Item: Individual-Level Abortion Refusal—At least some individuals (doctors, physicians, nurses, and/or hospital staff) are safeguarded in their right to refuse to participate in abortion.

Possible Codes

- A** = State does not allow any conscience protections for abortion
- B** = State allows some conscience protections in abortion but not for individual providers
- C** = State allows conscience protections in abortion for individual providers

Possible Scores

- 1** = State safeguards at least one type of individual health-care provider's right of refusal from performing or participating in any part of abortion procedures (C)
- 0** = State does not safeguard individual health-care providers' right of refusal from performing or participating in any part of abortion procedures (A, B)

Item: Private Hospital Abortion Refusal—Private hospitals are permitted to refuse to participate in abortion.

Possible Codes

- A** = State does not allow any conscience protections for abortion
- B** = State allows some conscience protections in abortion but not for private hospitals
- C** = State allows conscience protections in abortion for private hospitals

Possible Scores

- 1** = State safeguards private hospitals' right of refusal from performing or participating in any part of abortion procedures (C)
- 0** = State does not safeguard private hospitals' right of refusal from performing or participating in any part of abortion procedures (A, B)

Item: Public Hospital Abortion Refusal—Public hospitals are permitted to refuse to participate in abortion.

Possible Codes

- A** = State does not allow any conscience protections for abortion
- B** = State allows some conscience protections in abortion but not for public hospitals
- C** = State allows conscience protections in abortion for public hospitals

Possible Scores

- 1** = State safeguards public hospitals' right of refusal from performing or participating in any part of abortion procedures (C)
- 0** = State does not safeguard public hospitals' right of refusal from performing or participating in any part of abortion procedures (A, B)

⁵RLS users who interpret *Dobbs* as sufficiently eliminating any governmental basis for arguing a right to abortion may wish to recalculate RLS 2023 scores and ranks by dropping the civil liability item in the abortion refusal safeguard from the aggregation.

Item: Refusal in Emergency (Abortion)—The safeguards in the state statutes are not limited by a patient medical emergency.

Note: States may limit conscience protections in other ways, for example, by requiring referral or documentation of a policy of refusal. We selected this measure among potential limitations to the refusal right for its ease of identification and so as to avoid the question of whether having to declare in advance one's conscience concern, for example, is a restriction on religious exercise or an inconvenience.

Possible Codes

- A** = State does not allow any conscience protections for abortion
- B** = State allows some conscience protections but limits those in the case of patient emergency
- C** = State allows conscience protections for health-care providers and does not limit those in emergencies

Possible Scores

- 1** = State does not limit the abortion refusal safeguards in the case of medical emergencies (C)
- 0** = State does limit the abortion refusal safeguards in the case of medical emergencies (A, B)

Item: Immunity from Civil Liability (Abortion)—State precludes civil liability claims against at least one safeguarded entity in abortion procedures.

Possible Codes

- A** = State does not allow any conscience protections for abortion
- B** = State allows some conscience protections in abortion but does not preclude civil liabilities due to refusal
- C** = State allows conscience protections in abortion and specifically precludes civil liabilities

Possible Scores

- 1** = State precludes civil liability claims against at least one safeguarded entity in abortion refusal protections (C)
- 0** = State does not preclude civil liability claims against any entity in abortion refusal protections (A, B)

Item: Immunity from Criminal Prosecution (Abortion)—State precludes criminal prosecution of at least one safeguarded entity in abortion procedures.

Possible Codes

- A** = State does not allow any conscience protections for abortion
- B** = State allows some conscience protections in abortion but does not protect against criminal prosecution
- C** = State allows conscience protections in abortion and protects against criminal prosecution

Possible Scores

- 1** = State precludes criminal prosecution against at least one safeguarded entity in abortion refusal protections (C)
- 0** = State does not preclude criminal prosecution against any entity in abortion refusal protections (A, B)

Item: Protection from Government Action (Abortion)—State limits its ability to impose repercussions (e.g., loss of license, loss of funding, action by an administrative agency or the state) on at least one safeguarded entity in abortion procedures.

Possible Codes

- A** = State does not allow any conscience protections for abortion
- B** = State allows some conscience protections in abortion but does not protect against government action
- C** = State allows conscience protections in abortion for health-care providers and protects against government action

Possible Scores

- 1** = State precludes government action against at least one safeguarded entity in abortion refusal protections (C)
- 0** = State does not preclude government action against any entity in abortion refusal protections (A, B)

Safeguard: Health-Care Provision—Sterilization Refusal
(comprised of 6 items)

Item: Individual-Level Sterilization Refusal—At least some individuals (physicians, nurses, and/or hospital staff) are safeguarded in their right to refuse to participate in sterilization.

Possible Codes

- A** = State does not allow any conscience protections for sterilization
- B** = State allows some conscience protections in sterilization but not for individual providers
- C** = State allows conscience protections in sterilization for individual health-care providers

Possible Scores

- 1** = State safeguards at least one group of individual health-care providers' right of refusal from performing or participating in any part of sterilization procedures (C)
- 0** = State does not safeguard individual health-care providers' right of refusal from performing or participating in sterilization procedures (A, B)

Item: Private Hospital Sterilization Refusal—Private hospitals are permitted to refuse to participate in sterilization.

Possible Codes

- A** = State does not allow any conscience protections for sterilization
- B** = State allows some conscience protections in sterilization but not for private hospitals
- C** = State allows conscience protections in sterilization for private hospitals

Possible Scores

- 1** = State safeguards private hospitals' right of refusal from performing or participating in any part of sterilization procedures (C)
- 0** = State does not safeguard private hospitals' right of refusal from performing or participating in any part of sterilization procedures (A, B)

Item: Public Hospital Sterilization Refusal—Public hospitals are permitted to refuse to participate in sterilization.

Possible Codes

- A** = State does not allow any conscience protections for sterilization
- B** = State allows some conscience protections in sterilization but not for public hospitals
- C** = State allows conscience protections in sterilization for public hospitals

Possible Scores

- 1** = State safeguards public hospitals' right of refusal from performing or participating in any part of sterilization procedures (C)
- 0** = State does not safeguard public hospitals' right of refusal from performing or participating in any part of sterilization procedures (A, B)

Item: Immunity from Civil Liability (Sterilization)—State precludes civil liability claims against at least one safeguarded entity in sterilization procedures.

Possible Codes

- A** = State does not allow any conscience protections for sterilization
- B** = State allows some conscience protections in sterilization but does not preclude civil liabilities due to refusal
- C** = State allows conscience protections in sterilization and specifically precludes civil liabilities due to refusal

Possible Scores

- 1** = State precludes civil liability claims against at least one safeguarded entity in sterilization refusal protections (C)
- 0** = State does not preclude civil liability claims against any entity in sterilization refusal protections (A, B)

Item: Immunity from Criminal Prosecution (Sterilization)—State precludes criminal prosecution of at least one safeguarded entity in sterilization procedures.

Possible Codes

- A** = State does not allow any conscience protections for sterilization
- B** = State allows some conscience protections in sterilization but does not protect against criminal prosecution
- C** = State allows conscience protections in sterilization for health-care providers and protects against criminal prosecution

Possible Scores

- 1** = State precludes criminal prosecution against at least one safeguarded entity in sterilization refusal protections (C)
- 0** = State does not preclude criminal prosecution against any entity in sterilization refusal protections (A, B)

Item: Protection from Government Action (Sterilization)—State limits its ability to impose repercussions on at least one safeguarded entity in sterilization procedures.

Possible Codes

- A** = State does not allow any conscience protections for sterilization
- B** = State allows some conscience protections in sterilization but does not protect against government action
- C** = State allows conscience protections in sterilization for health-care providers and protects against government action

Possible Scores

- 1** = State precludes government action against at least one safeguarded entity in sterilization refusal protections (C)
- 0** = State does not preclude government action against any entity in sterilization refusal protections (A, B)

Safeguard: Health-Care Provision—Contraception Refusal
(comprised of six items)

Item: Individual-Level Contraception Refusal—At least some individuals (physicians, nurses, and/or hospital staff) are safeguarded in their right to refuse to participate in contraceptive procedures or the distribution of contraceptives.

Possible Codes

- A** = State does not allow any conscience protections for contraception
- B** = State allows some conscience protections in contraception but not for individual practitioners
- C** = State allows conscience protections in contraception for health-care providers and specifically for individual practitioners
- D** = State only mentions public or public grant-based family planning services in its statutes about contraceptives

Possible Scores

- 1** = State safeguards at least one group of individual health-care providers' right of refusal from participating in the distribution of contraceptives (C)
- 0** = State does not safeguard individual health-care providers' right of refusal from participating in the distribution of contraceptives (A, B, D)

Item: Private Hospital Contraception Refusal—Private hospitals are permitted to refuse to participate in contraceptive procedures or the distribution of contraceptives.

Possible Codes

- A** = State does not allow any conscience protections for contraception
- B** = State allows some conscience protections in contraception but not for private hospitals
- C** = State allows conscience protections in contraception for health-care providers and specifically for private hospitals
- D** = State only mentions public or public grant-based family planning services in its statutes about contraceptives

Possible Scores

- 1** = State safeguards private hospitals' right of refusal from participating in the distribution of contraceptives (C)
- 0** = State does not safeguard private hospitals' right of refusal from participating in the distribution of contraceptives (A, B, D)

Item: Public Hospital Contraception Refusal—Public hospitals are permitted to refuse to participate in contraceptive procedures or the distribution of contraceptives.

Possible Code

- A** = State does not allow any conscience protections for contraception
- B** = State allows some conscience protections in contraception but not for public hospitals
- C** = State allows conscience protections in contraception for health-care providers and specifically for public hospitals
- D** = State only mentions public or public grant-based family planning services in its statutes about contraceptives

Possible Scores

- 1** = State safeguards public hospitals' right of refusal from participating in the distribution of contraceptives (C)
- 0** = State does not safeguard public hospitals' right of refusal from participating in the distribution of contraceptives (A, B, D)

Item: Immunity from Civil Liability (Contraception)—State precludes civil liability claims against at least one safeguarded entity in contraceptive procedures or the distribution of contraceptives.

Possible Codes

- A** = State does not allow any conscience protections for contraception
- B** = State allows some conscience protections in contraception but does not preclude civil liabilities due to refusal
- C** = State allows conscience protections in contraception and specifically precludes civil liabilities due to refusal
- D** = State only mentions public or public grant-based family planning services in its statutes about contraception and does not include civil liability protections

Possible Scores

- 1** = State precludes civil liability claims against at least one safeguarded entity in contraception refusal protections (C)
- 0** = State does not preclude civil liability claims against any entity in contraception refusal protections (A, B, D)

Item: Immunity from Criminal Prosecution (Contraception)—State precludes criminal prosecution of at least one safeguarded entity in contraceptive procedures or the distribution of contraceptives.

Possible Codes

- A** = State does not allow any conscience protections in contraception
- B** = State allows some conscience protections in contraception but does not protect against criminal prosecution
- C** = State allows conscience protections in contraception for health-care providers and protects against criminal prosecution
- D** = State only mentions public or public grant-based family planning services in its statutes about contraception and does not include protection against criminal prosecution

Possible Scores

- 1** = State precludes criminal prosecution against at least one safeguarded entity in contraception refusal protections (C)
- 0** = State does not preclude criminal prosecution against any entity in contraception refusal protections (A, B, D)

Item: Protection from Government Action (Contraception)—State limits its ability to impose repercussions on at least one safeguarded entity in contraceptive procedures or the distribution of contraceptives.

Possible Codes

- A** = State does not allow any conscience protections in contraception
- B** = State allows some conscience protections in contraception but does not protect against government action
- C** = State allows conscience protections in contraception for health-care providers and protects against government action
- D** = State only mentions public or public grant-based family planning services in its statutes about contraception and does not include protections against government action

Possible Scores

- 1** = State precludes government action against at least one safeguarded entity in contraception refusal protections (C)
- 0** = State does not preclude government action against any entity in contraception refusal protections (A, B, D)

Group/Safeguard/Item: Health Insurance Contraceptive Mandate

The Affordable Care Act (ACA) mandates that health-insurance coverage include contraceptives, exempting houses of worship from this requirement. In 2018, the Trump administration enacted a rule allowing more employers with religious and moral objections to opt out of health-insurance coverage of contraceptives, and this rule was upheld in 2020 in the *Little Sisters of the Poor v. Pennsylvania* decision. This safeguard captures whether states maintain the existing exempt space for religious employers, either by having no state-level contraceptive mandate or by offering broad exemptions to their own mandate, or if the state effectively reduces that space with its own mandate and no or narrow exemptions.

Federal Context

States cannot expand the religious exemptions to federal mandates but can effectively narrow the federally provided religious exemption if there is a state-level contraceptive mandate that makes no religious exemptions or reduces those who are eligible for it (say, to only houses of worship). The 2018 [Trump era rule](#), still in effect, expands the ACA exemptions for houses of worship to any employer with a religious or moral objection except for publicly traded companies.

External Sources

NARAL Pro-Choice America once maintained a log of state laws and exemptions for various medical procedures and citations for state contraceptive mandates. RLS 2022 made use of the version available online in December 2021 (updated as of 2018) but this site is now defunct. We used the citations provided for relevant state codes to identify the general location in states' laws where these contraceptive mandates and exemptions could exist for each state. Health insurance laws tend to be spread out across multiple areas of state law (e.g., health law, insurance law, and family law) so the NARAL citations were used to streamline the search process. Data and notes from the Kaiser Family Foundation (KFF) [State Requirements for Insurance Coverage of Contraceptives](#) database were used in data verification. Since the current site no longer reports on religious exemptions, for RLS 2023 we use both the most current (May 1, 2022) KFF data and the data from the same site on July 1, 2021, which we archived for its treatment of religious exemptions for RLS 2022.

Identifying Codes and Assigning Scores

We read each state's law(s) assigning codes according to the contraceptive mandates (if any) that exist, the exemptions (if any) that apply to that mandate, and the extent to which that exemption is applicable to employers (as opposed to insurance carriers). Those states that have contraceptive mandates and either make no exemption for religious employers or reduce the scope of employers to which the exemption applies (relative to the federal standard) are scored as reducing the space for free exercise compared to their peers that have no contraceptive mandate or provide broad religious exemptions for employers.

Possible Codes

- A** = No state contraceptive mandate
- B** = State has a contraceptive mandate and makes no exemptions for employers
- C** = State has a contraceptive mandate and exempts only houses of worship (including by mention of "inculcation")
- D** = State has a contraceptive mandate and has exemptions beyond houses of worship (to, say, religious-controlled nonprofits, religious nonprofits, or religiously owned for-profits)

Possible Scores

- 1** = State does not functionally eliminate the broad exemptions and accommodations offered by the federal government to any employer with a religious exemption (A, D)
- 0** = State restricts the exemptions and accommodation offered by the federal government to any employer with a religious exemption by having its own mandate with narrower exemption allowances (B, C)

Verifying Data

Throughout 2022, BillTrack50 provided the RLS team with updates on relevant bills and state laws related to state contraceptive mandates and all the citations from RLS 2022 data, ultimately revealing one statutory change that impacted the code and score in a state (South Carolina). The statutes cited for this safeguard, whether changing this year or not, were reread in December 2022 and confirmed with the external data source from KFF. The research team noted the reason for any disagreement with that external source in the notes of the publicly available dataset. Most of the differences between RLS and KFF are due to differences in the definition of "religious employer." For example, we interpret the statutory language "inculcation of religious values" to be more on par with "houses of worship" and thus, where it appears in state law, yielding a narrower provision of the exemption than the current federal rule.

Missing Data

Some states do not have their own contraceptive mandates. In order to confirm that these states have no mandates, and therefore no exemptions, we verified the lack of mandate with the KFF data.

Group: Marriage & Weddings

Coming into 2023, all states authorized clergy and government officials to solemnize, celebrate, and/or license marriages in their state. This group of safeguards captures any religious exemptions by states for these entities' participation in licensing marriages, marriage solemnization, or wedding celebrations that would conflict with religious beliefs or dictates. One state even provides for-profit businesses the right to refuse participation. Some states make explicit the penalties from which exempted parties are protected, including mention of religious organizations' tax-exempt status.

Federal Context

The Supreme Court's *Obergefell v. Hodges* (2015) decision recognized a right to same-sex marriage. While the federal Respect for Marriage Act (2022) (RFMA) provides religious exemptions from what would otherwise appear to be its implications, as explained in sections 1 and 3 above, RFMA has no practical impact on what states can effectively safeguard in this space.

External Sources

American Marriage Ministries (AMM) maintains a list of all the [state marriage solemnization laws](#) and procedures. We utilized the state code citations in this source to identify the area of the law where marriage and wedding laws typically exist. NCSL, until recently, provided a summary table "Marriage Solemnization: Religious Exemption Statutes" which aimed to exhaust all the state marriage solemnization laws as of May 11, 2017. The website for this table, which was accessed in December 2022, is now defunct.

Identifying Codes and Assigning Scores

In addition, we found some marriage-related laws for religious organizations and for-profit entities within public accommodation laws. We first read marriage and wedding laws to determine whether a state updated these to reflect the legalization of same-sex marriage at the federal level. By doing so, we sought to capture whether states might avoid making exemptions where they find it politically unpopular to recognize same-sex marriage. (While this does not affect our index, it is interesting for considering the possible barriers to instantiating religious safeguards.) Then we identified whether a state allows any refusal/recusal rights to individuals or organizations in solemnization, celebration, or participation based on religious beliefs and for what entities these protections apply.

Verifying Data

Throughout 2022, BillTrack50 provided the RLS team with updates on relevant bills and state laws related to marriage and weddings and all the citations from RLS 2022 data, ultimately revealing no changes to relevant law. The statutes cited for this safeguard were reread in December 2022 and verified against a December 2022 archived version of NCSL's now-defunct "Marriage Solemnization: Religious Exemption Statutes" table.

Missing Data

We rely on the area of each state's code in specifying who can legally perform a marriage to indicate the approximate location of any rights of recusal/refusal and on reading widely in the proximate area to seek out those allowances in cases where the external sources suggest there are none. It is important to note that even in states where antidiscrimination laws do not exist, or where they apply to few protected classes, some states clearly responded to *Obergefell v. Hodges* by legislating safeguards for various entities in the areas of marriage and weddings.⁶

Safeguard: Marriage & Weddings

—Religious Entity Refusal

(comprised of three items)

Item: Participation by Clergy—This item tracks whether there are safeguards for clergy to refuse solemnization of marriages that violate their religious belief or doctrines.

Possible Codes

- A** = State statutory law recognizes same-sex marriage and includes safeguards for clergy
- B** = State statutory law recognizes same-sex marriage and includes no safeguards for clergy
- C** = State statutory law does not reflect the federal recognition of same-sex marriage, but the state includes safeguards for clergy
- D** = State statutory law does not reflect the federal recognition of same-sex marriage and includes no safeguards for clergy

Possible Scores

- 1** = State safeguards clergy's right to refusal (A, C)
- 0** = State does not safeguard clergy's right to refusal (B, D)

Item: Facilitation by Religious Organizations—Religious organizations, including religious-controlled organizations and religious nonprofits, often facilitate or host marriage and wedding celebrations. This item characterizes whether there are any safeguards for these organizations to refuse solemnization, participation, celebration, or facilitation of marriages that violate the religious tenets of the organization.

Possible Codes

- A** = State statutory law recognizes same-sex marriage and includes safeguards for religious organizations
- B** = State statutory law recognizes same-sex marriage and includes no safeguards for religious organizations
- C** = State statutory law does not reflect the federal recognition of same-sex marriage, but the state includes safeguards for religious organizations
- D** = State statutory law does not reflect the federal recognition of same-sex marriage and includes no safeguards for religious organizations

Possible Scores

- 1** = State safeguards religious organizations' right to refusal (A, C)
- 0** = State does not safeguard religious organizations' right to refusal (B, D)

Item: Protections from Government Action—Some states mention explicitly that statutory exemptions preclude certain penalties or repercussions from the state. This item combines an indicator that there is explicit protection of tax-exempt status with an additional indicator that the protections from government penalties extend beyond tax-exempt status.

Explicit Protection of Tax-Exempt Status—This indicator reflects the language of the law (directly or indirectly by using broad language about public consequences) about whether it protects the tax-exempt status of a nonprofit organization that exercises its right to nonparticipation.

Possible Codes

- A** = State statutory law recognizes same-sex marriage and includes protection of tax-exempt status
- B** = State statutory law recognizes same-sex marriage and does not include protection of tax-exempt status
- C** = State statutory law does not reflect the federal recognition of same-sex marriage, but the state includes protection of tax-exempt status
- D** = State statutory law does not reflect the federal recognition of same-sex marriage and does not include protection of tax-exempt status

Protections from Government Penalties Beyond Tax-Exempt Status—This indicator reflects whether a state's law ensures that a wide range of government repercussions will not follow from exercising the granted religious exemption.

⁶ Mississippi is a prime example, having the most extensive exemptions with respect to marriage and weddings and no antidiscrimination law in public accommodations other than for disabled individuals. See NCSL "State Public Accommodation Laws" (2021).

Possible Codes

- E** = State statutory law recognizes same-sex marriage and precludes a wide range of public penalties
- F** = State statutory law recognizes same-sex marriage and state does not mention what penalties are proscribed or goes no further than protecting tax-exempt status
- G** = State statutory law does not reflect the federal recognition of same-sex marriage but precludes a wide range of public penalties
- H** = State statutory law does not reflect the federal recognition of same-sex marriage and the state does not mention what penalties are proscribed or goes no further than protecting tax-exempt status

Possible Scores for the Protections from Government Action Item

- 1** = State precludes a wide range of public penalties (E, G on second indicator)
- 0.5** = State safeguards the tax-exempt status of a religious organization only (F or H on second indicator and A or C on first indicator)
- 0** = State does not mention what penalties are proscribed (B or D on first indicator)

A note about these indicators combining into one item: The protection of tax-exempt status is conditional on whether broader penalties are precluded. Specifically, tax-exempt status is included in a state's mention of broader government-initiated consequences. Therefore, in a simple index, these two indicators should not be treated as additive. The score above effectively adds two indicator functions and divides by 2 to get 0, 0.5, or 1.

Safeguard/Item: Marriage & Weddings—Public Official Recusal

This item tracks whether there are safeguards for government officials (who license and/or solemnize marriages) to recuse themselves if it violates their personal religious beliefs.

Possible Codes

- A** = State statutory law recognizes same-sex marriage and includes safeguards for public official recusal
- B** = State statutory law recognizes same-sex marriage and includes no safeguards for public official recusal
- C** = State statutory law does not reflect the federal recognition of same-sex marriage, but the state includes safeguards for public official recusal
- D** = State statutory law does not reflect the federal recognition of same-sex marriage and includes no safeguards for public official recusal

Possible Scores

- 1** = State safeguards public official recusal (A, C)
- 0** = State does not safeguard public official recusal (B, D)

Safeguard/Item: Marriage & Weddings—For-Profit Business Nonparticipation

For-profit businesses that provide goods or services for marriage ceremonies or wedding celebrations are accommodated by one state, Mississippi, which provides a safeguard to these businesses in solemnization, recognition, association, or celebration of marriages or weddings that violate personally held religious or moral beliefs of the business or business owner. This item captures this possible, though rare, safeguard.

Possible Codes

- A** = State statutory law recognizes same-sex marriage and includes safeguards for nonparticipating for-profit business
- B** = State statutory law recognizes same-sex marriage and includes no safeguards for nonparticipating for-profit business
- C** = State statutory law does not reflect the federal recognition of same-sex marriage, but the state includes safeguards for nonparticipating for-profit business
- D** = State statutory law does not reflect the federal recognition of same-sex marriage and includes no safeguards for nonparticipating for-profit business

Possible Scores

- 1** = State safeguards nonparticipating for-profit business (A, C)
- 0** = State does not safeguard nonparticipating for-profit business (B, D)

NEW IN 2023 Group: Religious Ceremonial Life

RLS 2023 identified three new items related to the sacramental or ceremonial lives of religious people. One item reflects the potential safeguard for penitential or otherwise confidential communication between congregant and minister in noting whether there are exceptions or exemptions for clergy within mandatory reporting laws targeting child abuse. Two other items comprise a safeguard related to the use of alcohol in religious ceremonies, reflecting that the fullness of a safeguard in this area of religious exercise would necessarily permit within the context of religious ceremony both the furnishing of alcohol by religious officials to minors and the consumption of alcohol by minors.

Safeguard/Item: Clergy as Mandatory Reporters

The federal government specifies a minimum set of actions that are considered child abuse and neglect but does not set a standard for reporting responsibilities. All states include mandatory reporting laws within child welfare laws, often enumerating categories of individuals who must report child abuse. This safeguard captures whether or not the state protects the right of clergy to maintain confidentiality by either excluding clergy from the group of mandatory reporters or by exempting clergy from the mandate when information is obtained through penitential or otherwise confidential clerical communication.

Federal Context

The federal [Child Abuse Prevention and Treatment Act \(CAPTA\)](#) (42 USC 5106g) sets a minimum for the actions (or nonactions) considered child abuse or neglect but does not indicate a set of mandatory reporters. At the state level, laws can expand what is considered child abuse or neglect and specifically name groups of individuals who are required to report information that suggests instances of child abuse or neglect. All states have child abuse laws that define mandatory reporters. Some enumerate groups of individuals (e.g., teachers, physicians, childcare workers) while others indicate that “any person” is responsible for reporting when a child is involved.

External Sources

The Children’s Bureau, a federal agency with the Department of Health and Human Services, tracked [mandatory reporting and privileged communication laws](#) concerning clergy in cases of suspected child abuse and neglect as of April 2019. RLS 2023 uses the Children’s Bureau [State Statutes Search](#) (selecting all states and clergy as mandatory reporters) to locate current relevant mandatory reporting laws and clergy communication exemptions for each state.

Identifying Codes & Assigning Scores

We read each state law cited by the Children’s Bureau to determine if clergy are included as mandatory reporters, either with mandates that apply universally (e.g., “all persons,” “any individual”) or with clergy enumerated within a list of mandatory reporters. We then identified whether penitential communication or communication with clergy under the expectation of confidentiality is exempted from laws mandating reports of child abuse and neglect, even if clergy are otherwise mandatory reporters (for example, in situations where they learn of child abuse outside of a role as confessor or, to adopt the language of the Federal Rules of Evidence, in a context other than “his professional character as a spiritual adviser”).

Some states privilege communication between clergy and congregants in rules of evidence within state statutes or elsewhere. To qualify as safeguarding for this item, though, RLS requires that not only are clergy not required to testify or provide information in courts but that they are under no mandate to report to any public authority, so long as the original communication was understood to be confidential. Some states reference rules of evidence or court procedures to help define what sorts of clergy-penitent communication are exempted from mandatory reporting, say, by referencing definitions given in rules of evidence but within the mandatory reporting laws. Other states mention such privilege only in the rules for courts and make no reference to a broader implication of the same for legal mandates by the state outside of the courts (e.g., mandatory reporting.) One state (Illinois) privileges penitential communication within the rules of evidence in terms that explicitly establish that clergy “shall not be compelled to disclose in any court, or to any administrative board or agency, or to any public officer, a confession or admission made to him or her in his or her professional character” (735 ILCS 5/8-803).

Most exemptions in this safeguard are provided within the mandatory reporting laws themselves. These are the clearest cases of safeguarding, and, in general, RLS finds that a privilege that only addresses disclosure in court proceedings falls short of guaranteeing the fullness of confidentiality as required by many religions for their clergy.

Possible Codes

- A** = “Any person” is a mandatory reporter and clergy are exempted at least in some professional capacity
- B** = “Any person” is a mandatory reporter and clergy are not exempted
- C** = Clergy are enumerated as mandatory reporters and are exempted at least in some professional capacity
- D** = Clergy are enumerated as mandatory reporters and are not exempted
- E** = Mandatory reporters are enumerated and clergy are not included but receive an explicit exemption at least in some professional capacity
- F** = Mandatory reporters are enumerated, clergy are not included and receive no explicit exemption

Possible Scores

- 1** = State protects penitential communication in mandatory reporting laws (A, C, E, F)
- 0** = State does not protect penitential communication in mandatory reporting laws (B, D)

Verifying Data

Scores were verified with the Children’s Bureau list of statutes and state code citations. Because that report was last updated in 2019, there are a few differences between their data and RLS 2023. Additionally, RLS 2023 tracks clergy exemptions from mandatory reporting responsibilities, not exemptions from testifying or providing evidence in courts. In cases of disagreement with the Children’s Bureau, we note the reason for the difference in code or score within the public data file.

Missing Data

None. All states have laws outlining who is required to report instances of child abuse and/or neglect.

Safeguard: Ceremonial Use of Alcohol by Minors (comprised of two items)

In many religious ceremonies, including Communion, Eucharistic celebrations, and Kiddush ceremonies, the ability of a religious leader to offer some form of alcohol and the ability of the religious adherent to receive it are both required by the religious act/rite. This safeguard captures whether a state allows clergy to furnish alcohol to underage individuals and whether the underage individual can legally consume alcohol during religious rites and ceremonies. Some states do not allow any exceptions from minor legal drinking age (MLDA) laws. Of the states that do allow exemptions from MLDA laws, some states allow exceptions for religious ceremonies or parental consent while others do not. Some states extend these exceptions in ways that safeguard the religious liberty of clergy, minor religious adherents, or both.⁷

⁷ Ten of the fifty states have an exception for religious ceremonies with respect to either furnishment or consumption but not both. While this may seem illogical, that consumption might be legal when furnishing is not (or vice versa), RLS records these codes according to the letter of the law, making apparent the opportunity that exists for reconciling the laws in these states to further safeguard religious individuals.

Federal Context

In order to receive federal funds, [states must maintain a minimum age of 21 years](#) for both the purchase and the public possession of alcohol. Notably, and critically for this safeguard, federal law does not make requirements on states with respect to furnishing broadly understood, which would include dissemination of alcohol by clergy in a religious ceremony, or consumption, which would include consumption by minors within ceremonies. All states comply with the federal requirement but may make exceptions to their own laws about furnishing and consumption for a variety of reasons, including parental discretion and consent, learning opportunities for culinary students, medical treatment, and participation in religious ceremonies.

Identifying Coding and Scores: A Note About Parents

Many states have some form of exception to MLDA laws when parents are involved. Parental consent or furnishment/consumption “in the presence” of a parent gives more opportunity for clergy and young religious adherents than does stating only that parents can “give” or furnish alcohol. Still, some “underage” people with respect to MLDA are older than the age of majority, and one might argue should have unmediated (by parents) free exercise of religion. If the MLDA and the age of majority were the same, RLS could simply choose to not take a stance on whether parental mediation was consistent with liberty or not. (Children’s liberty is often constrained by parental consent.) Setting this aside, it is still unclear whether laws that allow parents to “give” underage children alcohol allows the distribution of sacramental wine by clergy. We, therefore, in the two items below reflect the variation in state laws with respect to a parent’s role but score this safeguard to indicate that allowing parents an exemption is not synonymous with an exemption for clergy or religious youth.

Missing Data

Oklahoma [does not generally prohibit the private consumption of alcohol by minors](#), but it does restrict the public possession and purchase of alcohol by minors, and it prohibits furnishing alcohol to minors.

Item: Furnishment of Alcohol to Minors—This item indicates whether a state allows exceptions for religious leaders to dispense/furnish alcohol to minors for religious reasons.

External Source

The [National Institute on Alcohol Abuse and Alcoholism](#) maintains the Alcohol Policy Information System (APIS) which tracks alcohol-related policies in each state. We use the [“Policies on a Specific Date: Underage Drinking: Furnishing Alcohol to Minors”](#) data table to identify the relevant laws that dictate if and/or when alcohol may be furnished to minors. The research team used the version of the table and citations updated as of January 1, 2022, to collect data for this item.

Identifying Codes & Assigning Scores

The research team read each state law cited by the APIS “Underage Drinking: Furnishing Alcohol to Minors” data to understand the restrictions to furnishing alcohol to underage individuals by those over 21. We then identified if the state allowed any exceptions to these laws and, if so, whether the exceptions were extended to religious leaders directly (e.g., by granting an exception in the context of religious ceremonies).

Possible Codes

- A** = State offers exceptions for furnishing to minors in religious ceremonies or for religious reasons
- B** = State offers no exception for religious ceremonies but makes exceptions for furnishing to minors with parental involvement
- C** = State does not offer exceptions for furnishing in religious ceremonies or by parents

Possible Scores

- 1** = State makes an exception for furnishing to minors in religious ceremonies (A)
- 0** = State does not have exceptions that allow legally furnishing alcohol to minors in religious ceremonies (B, C)

Verifying Data

We verified our scores for this item using APIS’s “Underage Drinking: Furnishing Alcohol to Minors” data and the state statutes citations we collected. If the RLS 2023 characterization of the available exceptions and subsequent score did not align with the characterization offered by this external source, we recorded the reason for the disagreement in the public data file in the “Notes” column.

Item: Consumption of Alcohol by Minors—This item indicates whether a state allows exceptions for minors to consume or possess alcohol for religious reasons.

External Source

RLS utilizes Britannica Group’s [“State-by-State MLDA Exceptions”](#) table to identify the relevant underage consumption or possession of alcohol drinking laws in each state and the variety of exceptions states may allow within those laws. The research team used the version of the table and citations updated as of August 22, 2022, to confirm the data for this item.

Identifying Codes & Assigning Scores

The research team read each state law cited by Britannica researchers concerning exceptions to underage consumption or possession of alcohol, identified if the state allowed any exceptions to these laws and, if so, whether the exceptions were extended to minors directly (e.g., by granting an exception in the context of religious ceremonies).

Possible Codes

- A** = State offers exceptions to minors for religious reasons
- B** = State offers no exception to minors related to religious reasons but does allow consumption with parental consent
- C** = State does not offer exceptions to minors for either religious reasons or with parental consent

Possible Scores

- 1** = State makes an exception for consumption by minors in religious ceremonies (A)
- 0** = State does not offer an exception for consumption by minors in religious ceremonies (B, C)

Verifying Data

We verified our scores for this item using Britannica's "State-by-State MLDA Exceptions" table and the state statutes citations we collected. If the RLS 2023 characterization of the available exceptions and subsequent score did not align with the characterization offered by this external source, we recorded the reason for the disagreement in the public data file in the "Notes" column.

Group/Safeguard/Item: Religious Freedom Restoration Acts (RFRA)

In 1997, the decision in *City of Boerne v. Flores* found the federal Religious Freedom Restoration Act (RFRA) unconstitutional in application to states and therefore only relevant to federal actors and acts. Since then, many states have enacted laws, patterned after the federal RFRA, that emphasize protection from the burden of government action that many recognize can follow from religion-neutral laws. Some states passed RFRA laws shortly after the federal court decision, while a number of others attempted to pass laws in 2015. The most recent RFRA laws took effect in 2021.

Federal Context

The federal RFRA applies to federal jurisdictions only and so leaves wide open the opportunity for states to address the burdens of their own rules of general applicability.

External Sources

Church Law & Tax compiled a [50-State Religious Freedom Laws Report](#), which provides citations for states' RFRA laws enacted before 2020. A simple internet search revealed that two states, South Dakota and Montana, passed RFRA laws in 2021, and no states instituted RFRA laws in 2022. Becket's ["RFRA Info Central"](#) provides a second corroborating source.

Identifying Codes and Assigning Scores

We read each law cited by Becket's "RFRA Info Central" and coded each state according to whether the law was in the state's constitution, the state's statutes, or nonexistent. While some states have claimed that certain court case decisions yield RFRA-like protections for religious entities and individuals, RLS limits its scope to statutory and state constitutional law.

Possible Codes

A = RFRA in the state constitution

B = RFRA in state statute

C = No RFRA in the state law

Possible Scores

1 = RFRA in constitution or statute (A, B)

0 = No RFRA (C)

Verifying Data

Throughout 2022, BillTrack50 provided the RLS team with updates on relevant bills and state laws related to RFRA laws and all the citations from RLS 2022 data, ultimately revealing no changes. The statutes cited for this safeguard were reread in December 2022 and verified with Becket's "RFRA Info Central." For the purposes of the index, the research team did not count the Utah Religious Land Use Act or the New Hampshire Religious Use of Land and Structures statute as RFRA law.

Missing Data

Where we find no state RFRA in a state's laws, we confirm with the two external data sources.

Group: School-Aged Children

In 2023, all states maintain compulsory schooling laws and require immunization of school-aged children. This group features two safeguards related to the free exercise of religion for school-aged children. The first reflects whether exemptions to immunization requirements are available for religious reasons. The second indicates whether states require their school districts to grant excused absences to students for religious reasons.

Safeguard/Item: Childhood Immunization Requirement

Federal Context

There is no relevant federal rule regarding childhood immunization requirements.

External Data Source

The NCSL adapts data from the LexisNexis StateNet Database and the Immunization Action Coalition from May 2019 in their table ["States with Religious and Philosophical Exemptions from School Immunization Requirements."](#) RLS uses the citations from the NCSL as of December 31, 2022, to identify the relevant laws and get an initial understanding of school immunization requirements and exemptions for each state.⁸

Identifying Codes and Assigning Scores

We read each law cited by the NCSL and coded each state's law according to the type of exemption (or lack of exemption) the law allows. While the NCSL differentiates philosophical and religious exemptions, RLS operates from an understanding (made explicit in some states' laws) that philosophical concerns are inclusive of religious beliefs. Therefore, if a state allows for broader philosophical exemptions, it provides exemption for one's religious beliefs.

Possible Codes

A = State allows religious beliefs as a reason for exemption from childhood immunization

B = State allows exemption broader than religious (e.g., personal, philosophical, or moral beliefs) as an acceptable reason for exemption from childhood immunization

C = State does not allow nonmedical exemption (religious, personal, philosophical, or moral beliefs) as an acceptable reason for exemption from childhood immunizations

Possible Scores

1 = State makes exemptions from immunization for nonmedical reasons (e.g., religious, philosophical, or personal belief) (A, B)

0 = State makes no nonmedical exemptions (C)

⁸ The NCSL regularly updates these tables and databases according to changes in state laws.

Verifying Data

Throughout 2022, BillTrack50 provided the RLS team with updates on relevant bills and state laws related to childhood immunizations and all the citations from RLS 2022 data, ultimately revealing one statutory change that impacted the code and score in a state (Connecticut). The statutes cited for this safeguard, whether changing this year or not, were reread in December 2022 and confirmed with the updated external data source from NCSL. The research team noted the reason for any disagreement with that external source in the notes of the publicly available dataset.

Missing Data

None. All states have laws outlining the immunization requirements for public-school children.

NEW IN 2023 **Safeguard: Excused Absences for Religious Reasons**

(comprised of two items)

Federal Context

While the First Amendment and [other federal laws](#) broadly protect student religious speech and private action, states legislate in a few areas regarding other types of student religious exercise. One of these areas of discretion is whether an absence due to religious observances or religious instruction (lessons, schooling, or confirmation classes) qualifies as an excused absence from school. All states have set standards describing the expectations and requirements for compulsory attendance of public-school children, and some have a list of which excuses count as lawful absences. If a student is limited to a certain number of unexcused absences, the student and his or her guardian may be subject to the state's consequences for truancy.

External Sources

There is no external source tracking statutory compulsory attendance requirements for public-school children in each state or what constitutes excused absences in each state's public schools.

Identifying Codes and Assigning Scores

Seeing no external sources, the research team used an internet search and general survey of state statutes to locate the area of state law where laws concerning compulsory attendance for public school children exist. In addition to identifying each state's compulsory schooling law and any exceptions from it, we accessed the website of each state's education department, board of education,⁹ or the like to locate any references to administrative or regulatory law that could serve as a substitute for statutory provisions. Where statutory law is even the least bit unclear about whether there is state-level authority to define "excused absences" beyond the statutes, the notes columns of the RLS 2023 public dataset include a link to the education department website or an authoritative document therein to further corroborate our coding decisions.

The research team carefully read each state's compulsory schooling laws with particular interest in lists of exceptions. If excused or lawful absences were specified, we noted whether absences due to religious observances and/or religious instruction were among them. Moreover, we took special care to observe whether a state requires schools/districts (e.g., "a school shall grant") or permits schools/districts (e.g., "a district may allow") to provide religious excuses. This distinction is important for RLS, which measures safeguards in the form of states removing artificial barriers of free exercise, that is, artificial barriers of their own making. Since state compulsory schooling laws are potential barriers to the free exercise of religion, unless states prohibit local schools and districts from leveraging that power over religious people—that is, unless they require that religious reasons constitute an excused absence—they are not safeguarding citizens' free-exercise rights. In short, permitting but not requiring excused absences for religious reasons is insufficient. We assigned codes to each law according to whether students are afforded excused absences for religious observances and/or religious lessons.

Verifying Data

We verified the data and scores for this safeguard by rereading each state's compulsory schooling laws and completing a careful search of the websites of state-level education entities. The research team verified which reasons qualify as an excused absence in each state and recorded whether a state included religious observances (e.g., holidays, practices) and/or religious lessons (e.g., confirmation classes, religious instruction) as relevant excuses.

Missing Data

While all states have compulsory attendance laws for public-school students, it is difficult to establish that we've found all absence-related information that is binding at the state level. Since there is no external source for this data, the research team tried to locate a state-level document or website page that corroborates the assessment of each state that received a score of 0 for any item in this safeguard. If a state statute explicitly grants authority to local school districts or a local school board to define excused absences, it is unlikely that we are able to find a state-level link that expands meaningfully on the authoritative statute. In cases where a document could not be found, we direct interested users to the education-governing entity's website for the state.

⁹ Only two state boards of education, in Connecticut and Georgia, require all public schools to grant excused absences for religious observance.

Item: Excused Absences for Religious Observance—This item indicates whether a student absence due to religious holiday, observance, and/or practice qualifies as an acceptable excuse for an absence from school by the state.

Possible Codes

- A** = State requires, either by statutory law or by state board of education rules, schools to excuse absences due to religious holidays, observances, and/or practices
- B** = State statutory law explicitly permits schools to excuse absences due to religious holidays, observances, and/or practices but does not require it
- C** = State statutes say nothing of religious holidays, observances, and/or practices within a list of specific excused absences (permitted or required)
- D** = State statutes do not include a list of specific qualifying excused absences, in some cases granting authority to a more localized entity to do so

Possible Scores

- 1** = State requires absences due to religious holidays, observances, and practices be excused (A)
- 0** = State does not require absences due to religious holidays, observances, and practices be excused (B, C, D)

Item: Excused Absences for Religious Instruction—This item indicates whether student absence due to religious lessons or instruction qualifies as an acceptable excuse for an absence from school by the state.

Possible Codes

- A** = State requires, either by statutory law or by state board of education rules, schools to excuse absences due to religious lessons and/or instruction
- B** = State statutory law explicitly permits schools to excuse absences due to religious lessons and/or instruction but does not require it
- C** = State statutes say nothing of religious lessons and/or instruction within a list of specific excused absences (permitted or required)
- D** = State statutes do not include a list of specific qualifying excused absences, in some cases granting authority to a more localized entity to do so

Possible Scores

- 1** = State requires absences due to religious lessons and/or instructions be excused (A)
- 0** = State does not require absences due to religious lessons and/or instructions be excused (B, C, D)

Glossary

code: A letter representing an array of qualitative characteristics of a state's law, but still only those that are objectively discernible. (These might indicate how a state manages to safeguard in an area, say, by not acting at all in a specific space or with a religious exemption in an area where the state is active.)

data: (Raw) data: the as-written laws of states. Data, generally: representation in words, codes, scores, or other numerical representation of the legal protections of religious liberty in the states.

group: A collection of safeguards that are topically related. In 2023, RLS analyzes seven groups. The multisafeguard groups are those related to health-care provision, marriage and weddings, religious ceremonial life, and school-aged children. The three remaining groups are comprised of single safeguards. The group designation allows for ease of communication in some tables and figures, but it has no role in index construction.

index score: The aggregate score of all safeguards. The index score for each state is the sum of its safeguard scores, divided by 14 and then multiplied by 100 to provide a percentage.

item: The smallest unit of data that can be understood as indicating whether a dimension of protection exists or not in a state. Items refer to *who* is protected (via, for instance, exclusion or exemption), *from what* consequences they are protected, or *for* (or in order to do) *what*. In 2023, RLS evaluates thirty-four items.

ranking: The number (one through fifty) indicating the extent of safeguarding by a state relative to its peers, where first place is the most safeguarded and fiftieth the least.

safeguard: The central measures of liberty protection for this project. Each safeguard focuses on an area of life that is a space for potential religious exercise. Variation across states in some safeguards can be fully characterized by one item while others vary in multiple dimensions and are, thus, comprised of multiple items (e.g., because of distinct *whos* or *from whats*). In 2023, RLS considers fourteen safeguards.

safeguard score: The aggregated score of all items in a safeguard. If there are multiple items within a safeguard, it is a simple average. If it is a single-item safeguard, the (item) score and safeguard score are the same.

score: A number reflecting whether the law represents the presence of a safeguard (1) or its absence (0).

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About the Author

Sarah M. Estelle, PhD, is professor of economics at Hope College in Holland, Michigan; developer of the Center for Religion, Culture & Democracy's Religious Liberty in the States project; and author of its 2022 and 2023 publications. Dr. Estelle's other quantitative research includes applied microeconomic analyses of parenting investments, child academic achievement, adolescent risky behavior, higher education, welfare policy, and criminal justice reform. A second vein of Dr. Estelle's scholarship seeks to bring into conversation principles of traditional Christian teaching and classical liberal economics, including through projects relating economics and love. Dr. Estelle is the founding director of Hope College's Markets & Morality program, which invites students to explore economic issues through a Christian lens. She earned her PhD in economics from the University of Virginia.

About the Center for Religion, Culture & Democracy

The Center for Religion, Culture & Democracy (CRCD) envisions democratic societies that affirm the essential role of religious convictions, peoples, and institutions in cultivating free and flourishing communities. To achieve its vision, the CRCD supports the creation and promotion of high-quality scholarship at the intersection of religion, culture, and democracy. Our publications, programming, and resources affirm the importance of religion as a public good for strengthening social bonds and reinforcing foundational freedoms. The CRCD is an initiative of First Liberty Institute (FLI), the nation's largest legal organization exclusively defending religious liberty for all Americans. FLI believes that every American of any faith—or no faith at all—has a fundamental right to follow their conscience and live according to their beliefs.

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—SME

