



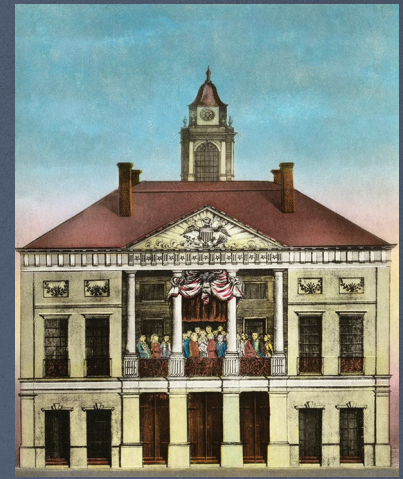
Religious Liberty in the States

2026

Mark David Hall

Paul D. Mueller





Foreword

Reflecting on the bicentennial of the drafting of the American Constitution in 1987, legal scholar Gregory Howard Williams observed,

Too often when considering questions of individual rights, we have overlooked the true thrust of federalism. Federalism requires that protection of individual rights be both a federal and state governmental responsibility. We have tended to look almost exclusively to the federal government for the protection of our rights. However, in doing so we have failed to fully explore the states' role in protecting its citizenry.

We celebrate a different anniversary this year, the semiquincentennial of the Declaration of Independence. But if we compare federalism in the Founding Era with that of today, it is worth considering whether Williams's contention concerning federalism still applies and, indeed, whether it ever did.

During the Constitution's ratification debates, critics of the proposed foundational law of the young nation worried about the centralization of power in the federal government. The judiciary was among the prime areas of concern. In the words of Brutus, "Every adjudication of the supreme court, on any question that may arise upon the nature and extent of the general government, will affect the limits of the state jurisdiction. In proportion as the former enlarge the exercise of their powers, will

that of the latter be restricted." This kind of zero-sum opposition between the state and federal governments was, according to Brutus, "the tendency of the constitution" itself, "an entire subversion of the legislative, executive and judicial powers of the individual states."

While such suspicion of the centralizing tendencies of the national government might well be borne out in particular cases in the intervening centuries, the reality of the salience of overlapping jurisdictions in the American legal landscape belies such a straightforward conclusion with respect to state governments and religious liberty. As Williams contended and the Religious Liberty in the States project has demonstrated, there remain significant areas in which states have acted to protect religious liberty and free exercise beyond the protections codified in federal law and upheld in federal courts. Indeed, in this year, the project's fifth iteration, more protections than ever have been identified and integrated into the report's findings.

As the report indicates, there are also some hopeful trends as some states have taken action to increase their protections. This has the potential to become a virtuous cycle as states learn from what other states have done, emulate them, and become more active in protecting and promoting the free-exercise rights of their constituents. There remains room for improvement, however, for all states, and our hope is that the Religious Liberty in the States project can help catalyze such gains for years to come.



Jordan J. Ballor

Executive Director
First Liberty's Center for
Religion, Culture & Democracy

RLS 2026

At a Glance



The new number 1 state, **Arkansas**, has 89 percent of the possible religious liberty safeguards and receives a rating of excellent along with second-place Tennessee (see page 4).

TOP FIVE

			SCORE
	1	Arkansas	89%
	2	Tennessee	85%
	3	Florida	77%
	4	Montana	71%
	5	Illinois	70%

BOTTOM FIVE

			SCORE
	46	California	30%
	47	West Virginia	30%
	48	Michigan	27%
	49	Vermont	27%
	50	New York	26%

MOST IMPROVED SINCE 2022

		PERCENT CHANGE
	Tennessee	34%
	South Carolina	32%
	Montana	31%

MOST DECLINED SINCE 2022

		PERCENT CHANGE
	New Mexico	-24%
	Mississippi	-15%
	Connecticut	-12%

New York returns to last place for the first time since 2022. It has remained stagnant while other states have been active in protecting religious liberty.

Because it adopted an exemplary medical conscience law, **Tennessee** advanced from tenth to second place.

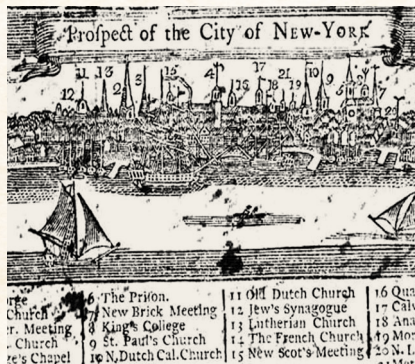
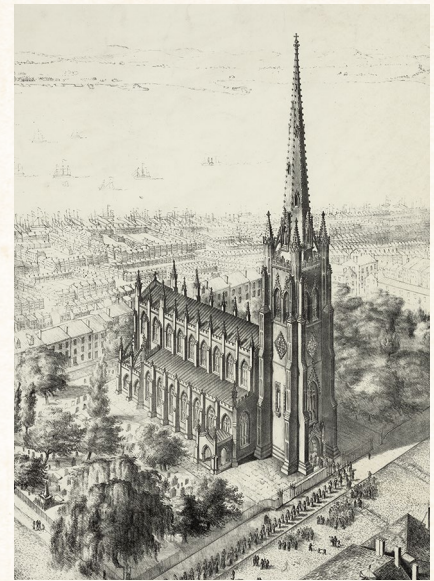
NEW RFRAS



Georgia and **Wyoming**

deserve praise for adopting Religious Freedom Restoration Acts in 2025.





America at Two Hundred Fifty

G. K. Chesterton famously observed that the United States “is the only nation in the world that is founded on a creed,” one that is set forth with “theological lucidity in the Declaration of Independence.” As America celebrates its 250th anniversary, we do well to remember the central claim of this document:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

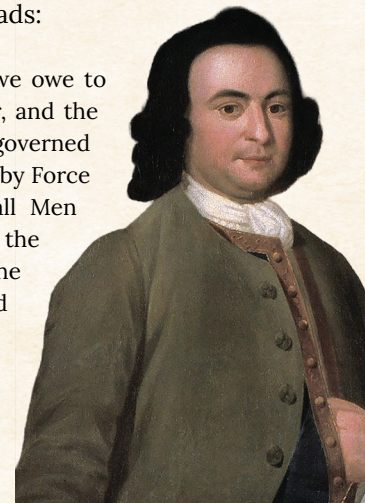
For America's Founders, chief among these unalienable rights was religious liberty, a right they often referred to as “the sacred right of conscience.”

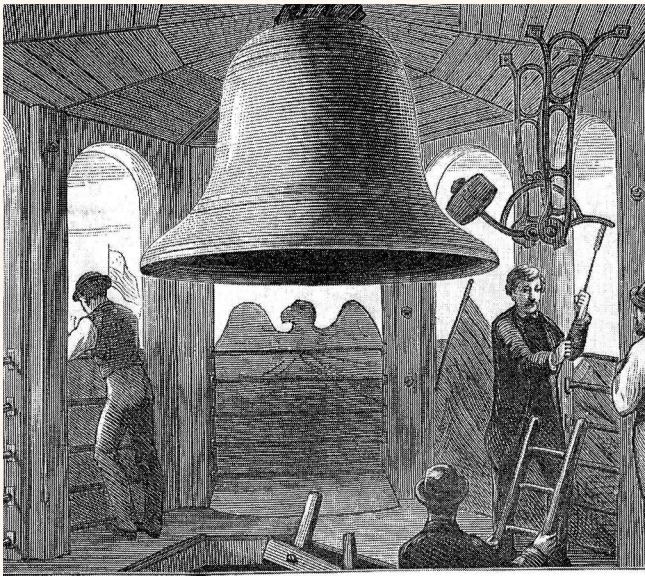
Religious liberty is sometimes called “the first freedom,” an appellation attributed to its location in the Bill of Rights. But well before the First Amendment was drafted, civic leaders in the states took significant steps to protect this important liberty. In doing so,

they reflected a remarkable shift that took place in the eighteenth century—a shift from *tolerating* religious minorities (with the implication that this toleration could be repealed) to a recognition that all citizens have a natural right to the free exercise of their faiths.

Debates in Virginia illustrate this development well. In 1776, the Virginia Convention formed a committee to write a bill of rights. This task fell largely to George Mason, who drafted what became Article XVI of Virginia's Declaration of Rights. It reads:

That Religion, or the Duty which we owe to our divine and omnipotent Creator, and the Manner of discharging it, can be governed only by Reason and Conviction, not by Force or Violence; and therefore that all Men shou'd enjoy the fullest Toleration in the Exercise of Religion, according to the Dictates of Conscience, unpunished and unrestrained by the Magistrate.





This draft, which was printed and circulated throughout the states, was enormously influential. But it was not the draft that became law. James Madison, in his first significant public act, objected to the use of “toleration” in the article. The Virginia Convention agreed with him, and the article was amended to make it clear that “the free exercise of religion” is a right, not a privilege granted by the state.

By the end of the Revolutionary Era, every state offered significant protection of religious liberty. The federal Constitution of 1787 did not, but only because its supporters believed the national government did not have the delegated power to pass laws interfering with religious beliefs or practices. In the face of popular outcry, the first Congress proposed and the states ratified a constitutional amendment stipulating that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”

The First Amendment protects religious liberty in important ways, but there are still numerous ways that states can protect, or choose not to protect, “the sacred right of conscience.” Religious Liberty in the States is concerned with these protections. Now in its fifth year, the study considers fifty distinct legal protections that states have adopted to protect religious liberty. These legal protections, which we refer to as “items,” are aggregated into twenty “safeguards” which we then average to produce one index score per state. The index allows us to rank states and to track changes in religious liberty protections over time. Source data, including hyperlinked citations to state statutes, are published online at religiouslibertyinthestates.com.

Legislators, activists, and interested citizens can examine in detail how well their state protects religious liberty and find existing examples of statutes they could adopt to better guard religious liberty.

2026 Safeguards



Government

- Religious Freedom Restoration Act
- Absentee Voting
- Nonparticipation in Weddings by Public Officials



Health Care

- General Conscience Protection
- Abortion Refusal
- Sterilization Refusal
- Contraception Refusal
- Euthanasia Refusal
- Recusal of Counseling Provider
- Health Insurance Mandates



Economic Life

- Nonparticipation in Economic Arrangements
- No Religious Discrimination in Financial Services/Insurance Provision



Religious Life

- Clergy-Penitent Privilege Protected
- Ceremonial Use of Alcohol by Minors
- Houses of Worship Protected from Closing
- Nonparticipation in Weddings by Clergy
- Religious Entity Refusal to Participate in Weddings

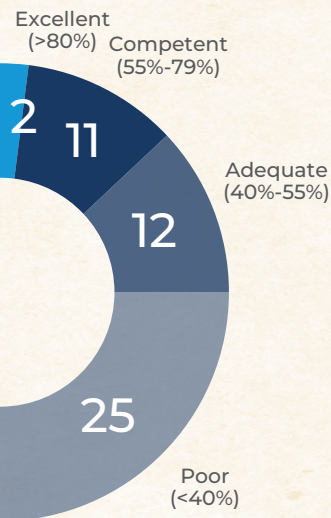


Family and Education

- Immunization Requirement Exemption
- School Protections
- No Religious Discrimination in Foster Parent Eligibility

Score Distribution

FIGURE 1: STATES' ABSOLUTE SCORE DISTRIBUTION



Two Exemplars

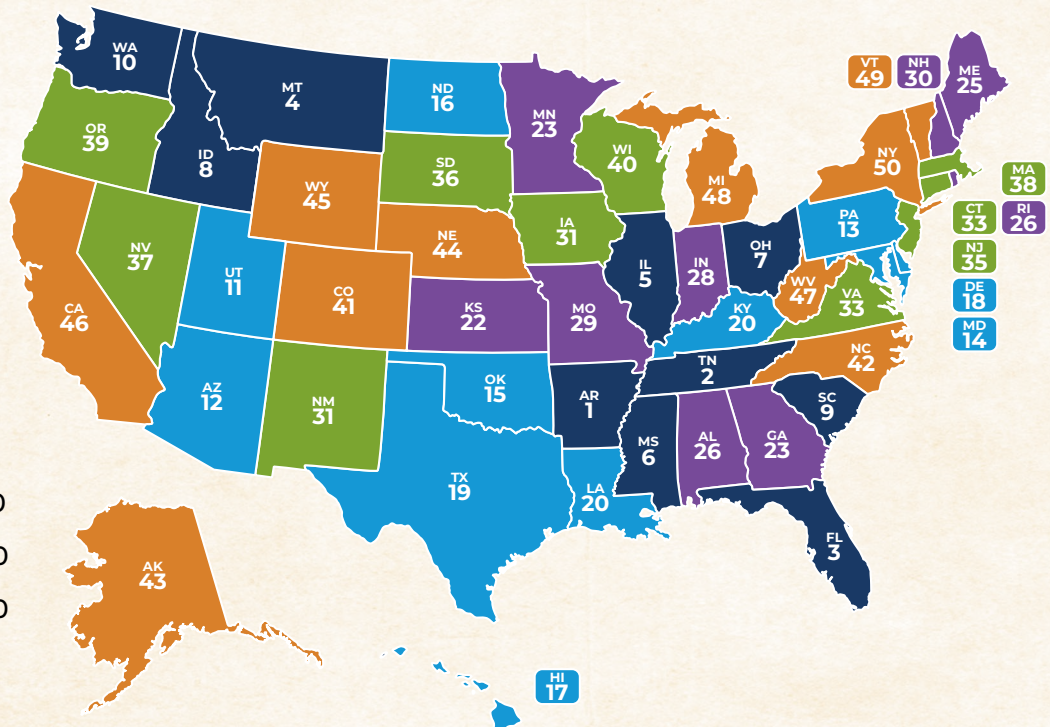
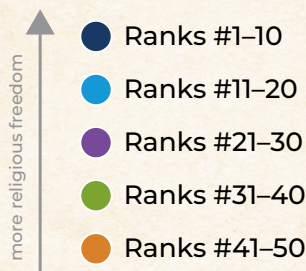
Since its inception in 2022, RLS has ranked states based on how well they protect religious liberty. Recognizing that states can rank ahead of others states but still lack numerous protections, in RLS 2025 we introduced a new category by which we measured the extent to which states did a “poor,” “adequate,” “competent,” or “excellent” job of protecting religious liberty based on the percentage of protections they had adopted. Last year, no state had adopted more than 80 percent of the laws we consider, and so no state was ranked as excellent. This year, we are pleased to report that two states, Arkansas and Tennessee, have earned this appellation with scores of 89 percent and 85 percent, respectively.

In 2025, Arkansas was ranked sixth in the nation and had adopted 63 percent of the items included in RLS. Last year, the state passed an important piece of legislation, HB 1615, which protects a wide range of individuals and institutions from being forced to participate in wedding ceremonies to which they have religious objections. First Liberty Institute commends the state for acting proactively to protect ministers, judges, florists, bakers, photographers, and many others from the sort of protracted litigation we have seen in other states. We encourage legislators in other states to introduce bills modeled on Arkansas’s statute in their states.

RLS gives equal weight to each of its twenty safeguards, but we acknowledge that some safeguards offer more substantive protection than others. Religious Freedom Restoration Acts provide the broadest protection to religious liberty, but the next most important protection we consider is whether a state has a general medical conscience protection. Many states protect medical professionals from having to participate in abortions if they have religious objections, but a good general conscience law protects a wide range of individuals and institutions from having to participate in multiple medical procedures (including abortion, sterilization, and contraception) if they have objections to doing so. By adopting an excellent medical conscience law, Tennessee has catapulted from tenth to second place in our rankings, and it now protects 85 percent of the items we consider.

FIGURE 2: RELIGIOUS LIBERTY IN THE STATES 2026 RANKINGS

Religious Liberty in the States 2026 Rankings



Sweet Cakes by Melissa

Aaron and Melissa Klein, owners of the Sweet Cakes by Melissa bakery, would sell baked goods to anyone, but because of their Christian convictions they declined to design and create a custom cake to celebrate a same-sex wedding. The State of Oregon responded by punishing them with a \$135,000 penalty and issuing a gag order against them. First Liberty continues to represent the Kleins, arguing that the First Amendment protects their religious convictions. If Oregon had a law like the Arkansas statute discussed above, the Kleins would be protected from such litigation.



What’s New in RLS 2026

The RLS project considered twenty-nine protections in 2022, thirty-four protections in 2023, thirty-nine protections in 2024, and forty-seven protections in 2025. We have added three more items in 2026 so that we now include fifty protections. New items added for RLS 2026 include medical conscience protections that permit individuals to decline to participate in genetic counseling, opt-out of joining labor unions if they have religious objections to doing so (as many Seventh-day Adventists do), and whether states protect people from discrimination at public institutions of higher education because of their religious commitments.

There is no single objective way to weight all items and safeguards, but we believe our current categorization and weighting convey a reasonably good picture of how well states protect religious liberty. We welcome other perspectives, though, and our data is publicly available for anyone to weight as they see fit. Because we make our database available online, people can assign different weights to safeguards or items to recalculate the index based on their own judgment. If you have feedback or have ideas for new items and safeguards that could be included, please contact us at m.hall@crd.net.

	2022	2023	2024	2025	2026
ITEMS	29	34	39	47	50
SAFEGUARDS	11	14	16	20	20

2026 Safeguards

America’s Founders understood that religious liberty includes the freedom of belief and the freedom to worship (or not) according to one’s convictions. Accordingly, some of the protections we consider primarily involve clergy and activities in houses of worship. But the Founders understood that religious liberty includes allowing laity to act upon their religious convictions in other areas. For that reason, we have not limited our analyses to activities that typically occur within houses of worship or activities of the clerical professions.

That vast majority of Americans of European descent in the Founding Era were Christians, but as evidenced by President Washington’s wonderful 1790 letter to the Hebrew Congregation in Newport, Rhode Island, they believed that the religious freedom of *all* citizens must be robustly protected. Accordingly, we have intentionally included items that are more likely to protect religious minorities than majorities. For instance, we include statutes that require students to be excused from school to observe religious holidays and permit student athletes to wear religious attire—protections that are exercised primarily by non-Christians.

Some concerned citizens worry that religious liberty protections allow people of faith to cause great harm to others in the name of religion. This might be the case if religious liberty were seen as a trump card that must win every time. But this is not our view, and it is not the position of any religious liberty advocacy group of which we are aware. On rare occasions, governments have a compelling interest in preventing someone from acting on a sincerely held religious belief. For example, states rightly prohibit female genital mutilation, even if done for religious reasons. But the instances where governments have such a compelling interest are rare, and we do not think they apply to the protections we measure in RLS 2026.

2026 State Rankings, Scores, and Data Summary

RANK	STATE	SCORE	Government			Health Care							Economic Life		Religious Life					Family & Education		
			Religious Freedom Restoration Act	Absentee Voting	Nonparticipation in Weddings by Public Officials	General Conscience Protection	Abortion Refusal	Sterilization Refusal	Contraception Refusal	Euthanasia Refusal	Recusal of Counseling Provider	Health Insurance Mandates	Nonparticipation in Economic Arrangements	No Discrimination in Financial Services/Insurance Provision	Clergy-Penitent Privilege Protected	Ceremonial Use of Alcohol by Minors	Houses of Worship Protected from Closing	Nonparticipation in Weddings by Clergy	Religious Entity Refusal to Participate in Weddings	Immunization Requirement Exemption	School Protections	No Religious Discrimination in Foster Parent Eligibility
																						
	1	Arkansas	89.2%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	2	Tennessee	85.0%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	3	Florida	76.9%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	4	Montana	71.3%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	5	Illinois	70.4%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	6	Mississippi	66.7%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	7	Ohio	66.3%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	8	Idaho	64.2%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	9	South Carolina	62.9%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	10	Washington	60.0%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	11	Utah	59.0%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	12	Arizona	56.7%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	13	Pennsylvania	55.8%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	14	Maryland	50.6%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	15	Oklahoma	50.2%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	16	North Dakota	50.0%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	17	Hawaii	46.7%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	18	Delaware	45.4%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	19	Texas	42.7%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	20	Kentucky	42.5%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	20	Louisiana	42.5%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	22	Kansas	42.3%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	23	Georgia	39.8%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	23	Minnesota	39.8%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	
	25	Maine	39.6%	●	●	●	●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	●●●●●●●●	



 Religious Liberty IN THE STATES®				Government			Health Care							Economic Life		Religious Life				Family & Education	
RANK	STATE	SCORE	GOVERNMENT			HEALTH CARE							ECONOMIC LIFE		RELIGIOUS LIFE				FAMILY & EDUCATION		
			Religious Freedom Restoration Act	Absentee Voting	Nonparticipation in Weddings by Public Officials	General Conscience Protection	Abortion Refusal	Sterilization Refusal	Contraception Refusal	Euthanasia Refusal	Recusal of Counseling Provider	Health Insurance Mandates	Nonparticipation in Economic Arrangements	No Discrimination in Financial Services/Insurance Provision	Clergy-Penitent Privilege Protected	Ceremonial Use of Alcohol by Minors	Houses of Worship Protected from Closing	Nonparticipation in Weddings by Clergy	Religious Entity Refusal to Participate in Weddings	Immunization Requirement Exemption	School Protections
																					
	26 Alabama	39.4%																			
	26 Rhode Island	39.4%																			
	28 Indiana	39.2%																			
	29 Missouri	37.9%																			
	30 New Hampshire	37.5%																			
	31 Iowa	36.7%																			
	31 New Mexico	36.7%																			
	33 Connecticut	36.5%																			
	33 Virginia	36.5%																			
	35 New Jersey	36.3%																			
	36 South Dakota	35.8%																			
	37 Nevada	35.2%																			
	38 Massachusetts	34.8%																			
	39 Oregon	34.2%																			
	40 Wisconsin	34.0%																			
	41 Colorado	33.3%																			
	42 North Carolina	33.1%																			
	43 Alaska	32.5%																			
	44 Nebraska	31.5%																			
	45 Wyoming	30.8%																			
	46 California	30.2%																			

Overview of Results

Table 1 (pages 6–7) presents the fifty states, ranked by their overall index score, along with their RLS 2026 safeguard scores and a summary of the safeguards that comprise each state’s aggregate score. Scanning this table or figure 3 (below) illuminates a number of broad observations about state-level provisions for the free exercise of religion as of December 31, 2025.

- **States differ greatly.** The front-runner with 89 percent, Arkansas, is 63 percentage points higher than New York, which has adopted only 26 percent of the possible safeguards.
- **Thirty-four 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 3) is that most states adopt fewer than half of the potential safeguards.
- **Every state has room for improvement.** Even Arkansas is missing seven of the specific protections we consider—a problem that could be remedied with three well-written statutes. Using the table on pages 6–7, citizens, activists, and legislators can easily see which laws their states lack, and by using our website, they can view laws in other states that offer protections that their state lacks.

As discussed, Arkansas and Tennessee are now in first and second place, with safeguard scores of 89 and 85 percent. Idaho saw significant improvement because it passed a general medical conscience law, and ten states saw improvements because of a methodological change we made (described below in the errata textbox). Although we focus primarily on how the states rank relative to each other, that’s a measure that by definition very few states can win. So, we also think states should be recognized for their absolute score and not just their relative one. But as you can see in figure 1 (page 4), in absolute terms there is significant room for improvement, with half the states having less than 40 percent of the religious liberty safeguards we measure.

Figure 4 (page 9) breaks down the overall change in six states’ scores between 2022 and 2026. States with declining safeguard scores between 2022 and 2026 did so almost solely because they did not have new safeguards considered by RLS. Some states improved because they had protections we added over the years, but it is noteworthy that Montana, South Carolina, Tennessee, Arkansas, and Idaho all passed significant laws since 2022 to better protect religious liberty in their states.

FIGURE 3: DISTRIBUTION OF STATES BY RLS 2026 SCORE

Distribution of States by Religious Liberty Score

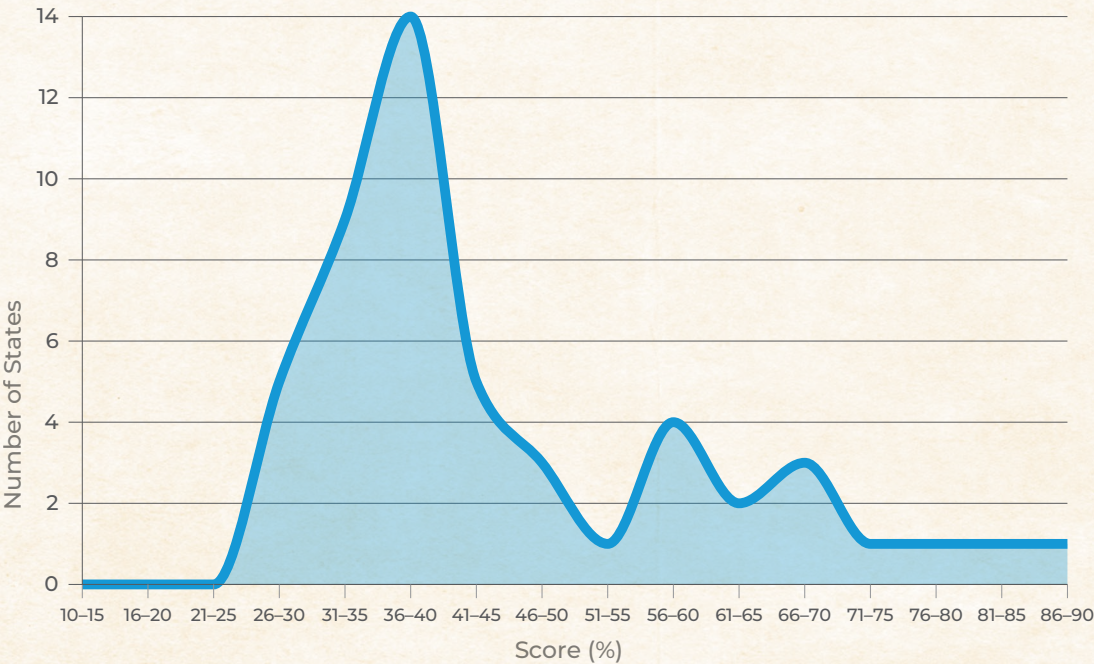
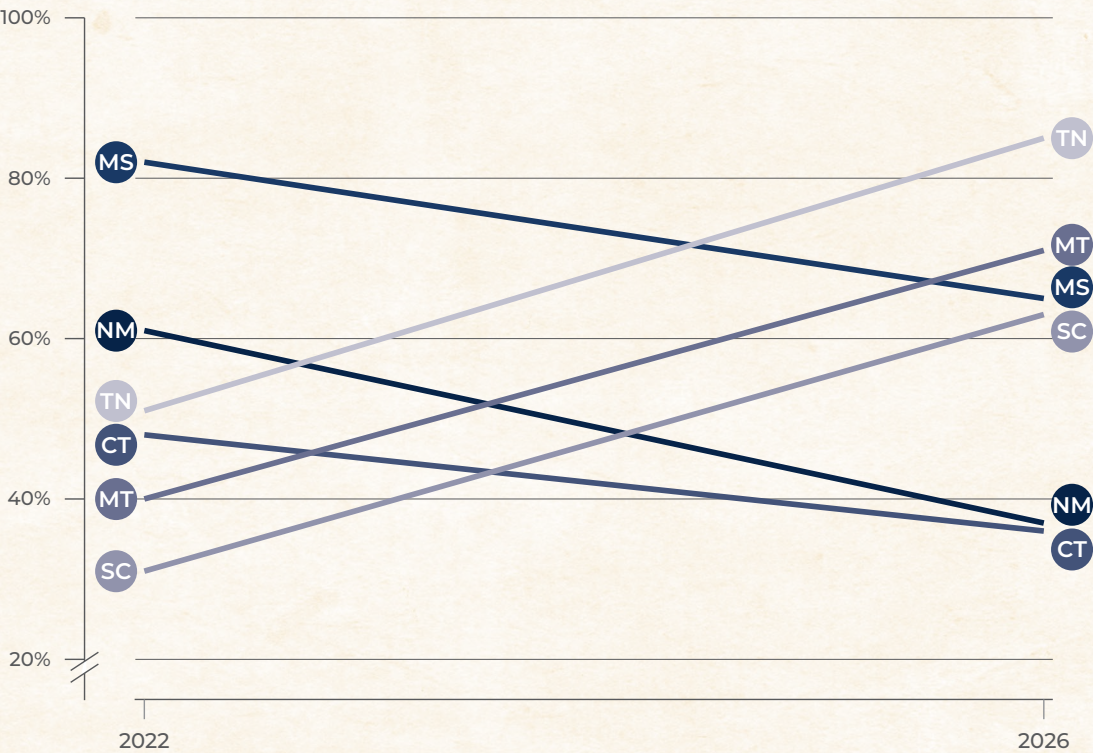


FIGURE 4: CHANGE IN SIX STATES' SCORES



Change in Six States' Scores

ERRATA

State rankings usually change because states pass new protections or because they do or do not have new items that RLS adds each year. On occasion, we discover that we missed or mischaracterized a state protection. When such an error occurs, RLS records it on an errata page on our website, notes it in the database, and changes the database to reflect the protection we missed or inadvertently included. These changes permit researchers using our database to make accurate comparisons over time. However, we consider the final reports and state scorecards we produce each year to be “published” and so do not revise them to reflect errors we discover. So, when we say “Texas’s score improved by 9 percent between RLS 2025 and 2026,” we mean with respect to the score we gave Texas in 2025, not the score we should have given the state.

RLS has always considered whether states protect medical professionals from having to participate in abortions if they have religious objections to doing so. Last year, a friendly critic pointed

out that if abortion is completely illegal in a state, protections ensuring that individuals and institutions can’t be forced to perform them aren’t necessary (with the exception of performing an abortion to save the life of the mother). This observation fits well with how we have always treated absentee voting—a state can get full credit if it permits citizens to get an absentee ballot for religious reasons or if it provides absentee ballots simply upon request. A state may have adopted the latter policy simply for political reasons, but if a law has the unintended consequence of protecting religious liberty, it receives credit for doing so.

As of December 31, 2025, thirteen states effectively ban all abortions (with a few exceptions, such as to save the life of a mother). Accordingly, we have given credit to the following states for protecting individuals/institutions from having to participate in abortions. Some states that banned abortions previously had protections in place to protect medical professionals from having to participate in them. Only bans that resulted in score changes are reported below.

	TX	OK	TN	ND	IN	SD	WV	LA	MS	AL
Individual Protection										
Private Hospital							●			●
Public Hospital	●	●			●		●			●
Civil Liability	●		●	●	●		●			
Criminal Liability	●	●	●	●	●	●	●			
Government Consequences	●	●	●	●	●	●	●			
Refusal in Emergency								●		
Opt-out of disposing remains	●	●	●		●	●	●	●	●	●

Evaluating Safeguards & Protections

Some religious liberty protections are far more common in the states than others. States either do not mandate that health-insurance plans cover contraception, abortion, or sterilization; or, if they do, most (88%) include a religious accommodation so that organizations with religious objections to covering such procedures are not compelled to do so. Every state in the union requires children to be vaccinated before attending public (and sometimes private) schools, but the vast majority (88%) provide exemptions for families that have religious objections to vaccinations. And most (86%) states either provide absentee ballots for any reason or permit

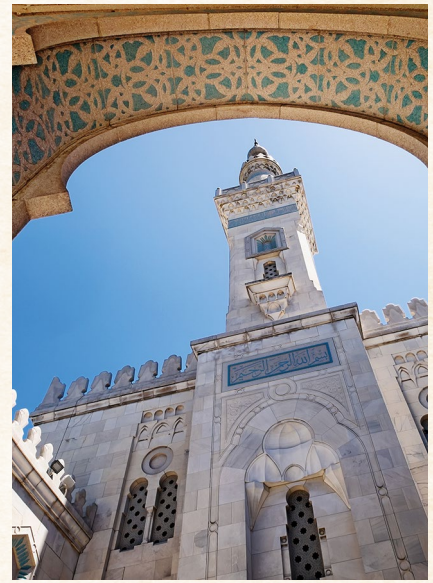
individuals who have religious commitments that prevent them from voting in person to receive them.

The least widely adopted protections include guaranteeing that medical professionals and organizations with religious objections to providing contraception will not be compelled to do so. Very few states permit public officials who are asked to participate in a wedding ceremony to decline to do so for religious reasons. Finally, only two states, Mississippi and Arkansas, permit for-profit businesses to decline to participate in wedding ceremonies to which their owners/employees have sincere religious objections.

FIGURE 5: DISTRIBUTION OF ADOPTED SAFEGUARDS



Prevalence of Safeguards in the States



Conclusion

Religious liberty has been one of the hallmarks of free and prosperous societies. It was important to America's Founders and remains important today—especially as the US becomes increasingly fragmented among religious and nonreligious groups. Working toward a robust conception and protection of religious liberty should be a priority for legislators in every state. Just as James Madison was able to strengthen the protection Article XVI offered to religious freedom, we hope today's legislators will make protecting America's first freedom a top priority. RLS project leaders, CRCD staff, and First Liberty attorneys are eager to work with anyone pursuing state-level protections for religious freedom.



About



THE AUTHORS



Mark David Hall, PhD, is a professor in Regent University's Robertson School of Government, director of Religious Liberty in the States, and a senior research fellow at the Center for Religion, Culture & Democracy. He is also a senior fellow at the Center for the Study of Law and Religion at Emory University and a senior fellow at Baylor University's Institute for Studies of Religion. He has written, edited, or coedited fifteen books, many of which concern religious liberty and church-state relations in the United States.

Paul D. Mueller, PhD, is a senior research fellow at the American Institute for Economic Research. He is also a research fellow and associate director of the Religious Liberty in the States project at the Center for Religion, Culture & Democracy. Dr. Mueller taught at The King's College in New York City. His academic work has appeared in many journals, and he is also the author of *Ten Years Later: Why the Conventional Wisdom about the 2008 Financial Crisis Is Still Wrong*.

The authors are grateful for the leadership and assistance of our friends at First Liberty and the CRCDD, especially Jordan Ballor, Drew McGinnis, Becky Dummermuth, Stephanie Taub, and Jillian Barr. We are also thankful for the research assistance of Michael Stahlinski and Mary Truitt and feedback from anonymous reviewers. Finally, we very much appreciate the fine work of Jacqueline Isaacs and her team at Bellwether Communications, Jessica Hogenson (Cantelon Design), and Nathan Ingram and Chris Malone (Brilliant Web Works).

THE CENTER FOR RELIGION, CULTURE & DEMOCRACY

First Liberty Institute's Center for Religion, Culture & Democracy (CRCDD) 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 CRCDD supports the creation and promotion of high-quality scholarship, publications, programming, and resources that affirm the importance of religion as a public good for strengthening social bonds and reinforcing foundational freedoms. First Liberty Institute is the nation's largest legal organization exclusively defending religious liberty for all Americans. First Liberty 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.



Religious Liberty
IN THE STATES® 2026

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Religious Liberty in the States is a project of the CRCD and parent organization First Liberty Institute.

All data, including a full data file for research and individual state reports, are available for free download at religiouslibertyinthestates.com.

Suggested citation:

Hall, Mark David, and Paul D. Mueller. 2026. *Religious Liberty in the States* 2026. Plano, TX: Center for Religion, Culture & Democracy. <https://doi.org/10.54669/TBGC3018>.

ISSN 2833-4183 (online)
ISSN 2833-4175 (print)

Center for Religion, Culture & Democracy
2001 W. Plano Pkwy.
Suite 1600
Plano, TX 75075
crcd.net

ReligiousLibertyInTheStates.com

Scan to access the full data,
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download individual state
scorecards, and more



“

All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support.

GEORGE WASHINGTON

Letter to the Hebrew Congregation in Newport, Rhode Island

August 18, 1790