

THE 2017 TEXAS LEGISLATURE: USING RELIGION TO JUSTIFY DISCRIMINATION

Some Texas lawmakers are advocating an elaborate legislative strategy that authorizes religion as a legal justification for discrimination against lesbian, gay, bisexual and transgender (LGBT) Texans. At least 17 bills would allow government officials, private individuals and businesses to use personal religious beliefs to justify discrimination against LGBT people in virtually all aspects of their lives.

The proposed laws affect parenting and family life, access to educational and career opportunities, housing, health care and more. Many of the proposals single out certain religious beliefs – such as the belief that marriage is between a man and woman, or that sex should be confined to heterosexual marriage – for special legal protections not accorded to any other religious beliefs. Some are so broad that they also create conflicts with established civil rights protections, including those based on race, religion and gender. But these bills are clearly intended to make LGBT Texans second-class citizens, unequal to others under the law.

In employment, housing and/or public services and accommodations

- **SB 651** by state Sen. Charles Perry, R-Lubbock, would bar all state regulatory or licensing agencies from adopting rules that limit the ability of individuals or businesses to discriminate based on religious beliefs. From medical providers and social workers to tow truck operators and electricians, dozens of professions regulated by the state would be free to put personal religious beliefs ahead of existing laws and professional standards.
- **HB 1923** by state Rep. Matt Krause, R-Fort Worth, and **SB 893** by state Sen. Brian Hughes, R-Mineola, would bar any governmental entity from taking adverse action – such as the withholding of a license, denial of a contract or termination of a benefit – against a government employee, contractor or medical or residential health facility that uses religion to justify discrimination against LGBT people or single mothers.
- **HB 2876** by state Rep. Scott Sanford, R-McKinney, would allow businesses in the wedding industry to refuse to serve same-sex couples.
- **HB 3571** by state Rep. Tom Oliverson, R-Cypress, would grant any business or individual a sweeping religious exception from local laws protecting LGBT people against discrimination in employment, housing and public services and accommodations.

In family life and child welfare services

- **HB 1813** by state Rep. Dan Flynn, R-Canton, **HB 2795** by state Rep. Mike Lang, R-Granbury, and **SB 522** by state Sen. Brian Birdwell, R-Granbury, would allow county clerks and other government employees to refuse service to same-sex couples seeking a marriage license. Texans unable to access services in their home counties would be forced to obtain a marriage license from another county.
- **HB 1805** by state Rep. Scott Sanford, R-McKinney, **SB 892** by state Sen. Charles Perry, R-Lubbock, **HB 3859** by state Rep. James Frank, R-Wichita Falls, **SB 1536**

by state Sen. Donna Campbell, R-New Braunfels, would allow child welfare service providers that contract with the state to use taxpayer money to discriminate against LGBT individuals and families in foster and adoptive placement as well as other services. These bills would also authorize child welfare providers to use religion to deny reproductive health care to a teen in their care, regardless whether the teen shares those religious beliefs.

- **HB 2779** by state Rep. Matt Schaefer, R-Tyler, is a sweeping bill that authorizes discrimination in areas such as foster care and adoption and public services and accommodations for same-sex couples. It also permits government employees to refuse service to same-sex couples seeking a marriage license and permits discrimination against transgender people in medical and mental health care services and in the workplace.

In health care

- **HB 2878** by state Rep. Scott Sanford, R-McKinney, would permit health care providers to use their religious beliefs as justification to deny medical treatment to LGBT people and others. It would also allow providers to deny family planning services – including birth control, counseling, miscarriage management and abortion care – to patients.
- **SB 2096** by state Sen. Bob Hall, R-Edgewood, and **HB 3856** by state Rep. Matt Rinaldi, R-Irving, would allow social workers and counselors to use their religious beliefs as a justification for refusing to provide mental health, chemical dependency, marriage and family, or professional counseling services to LGBT people.

In colleges and universities

- **HB 428** by state Rep. Phil King, R-Weatherford allows official student organizations at public colleges and universities to discriminate against students for religious reasons. Student clubs funded by taxpayer dollars could prohibit female officers, deny membership to LGBT students or exclude Jewish and Muslim students from their activities.