

2025 Regular Session

ACT No. 358

HOUSE BILL NO. 371

BY REPRESENTATIVES AMEDEE, BAYHAM, BERAULT, CARRIER, CARVER, CHENEVERT, COX, CREWS, DEVILLIER, EDMONSTON, EGAN, FIRMENT, GLORIOSO, HORTON, MACK, MCCORMICK, MOORE, OWEN, SCHAMERHORN, TARVER, TAYLOR, VENTRELLA, WILDER, AND WYBLE AND SENATOR HODGES

1 AN ACT

2 To amend and reenact R.S. 13:5232(1), 5233, 5234(3), (5), and (6)(introductory paragraph),
3 5237, 5239, and 5240(A) and (B) and R.S. 17:407.33(1) and to enact R.S. 13:5232(7)
4 and 5233.1 and R.S. 17:407.33(9), relative to the Preservation of Religious Freedom
5 Act; to provide relative to the free exercise of religion; to provide for protections for
6 places of worship; to prohibit certain restrictions against places of worship; to
7 provide for an effective date; to provide for definitions; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 13:5232(1), 5233, 5234(3), (5), and (6)(introductory paragraph),
11 5237, 5239, and 5240(A) and (B) are hereby amended and reenacted and R.S. 13:5232(7)
12 and 5233.1 are hereby enacted to read as follows:

13 §5232. Legislative findings

14 The legislature finds and declares that:

15 (1) ~~Free~~ The free exercise of religion is a fundamental right of the highest
16 order in this state.

17 * * *

18 (7) In 2023, the legislature and the people of Louisiana adopted Article XII,
19 Section 17 of the Constitution of Louisiana which provides for the freedom of
20 worship in churches or other places of worship.

21 §5233. Free exercise of religion protected

22 A. Government shall not substantially burden a person's exercise of religion,
23 even if the burden results from a facially neutral rule or a rule of general

applicability, unless it demonstrates that application of the burden to the person is both:

(1) In furtherance of a compelling governmental interest.

(2) The least restrictive means of furthering that compelling governmental interest.

B. Notwithstanding any other provision of law to the contrary, the government shall provide protections of the highest order to every church or other place of worship and shall not discriminate against any church or other place of worship by requiring restrictions that are greater than the least severe restrictions that are imposed upon or enforced against any secular business, service, or assembly.

§5233.1. Protection of the freedom of worship in churches and other religious institutions; protection of religious education

A. If a church or other place of worship has met the requirements for zoning, building code, and fire safety regulation, and has received an occupancy license for the use of the building, the government shall not do any of the following:

(1) Restrict or deny the use of the building for a meeting based upon the day of the week the building is being used.

(2) Restrict or deny the use of the building based upon the content or types of religious instruction, education, or activities conducted in the building.

(3) Restrict or deny the use of the building for a mother's day out program.

(4) Restrict or deny the use of the building for a meeting of two or more parents or children participating in a home study program, pursuant to R.S. 17:236.1, or a nonpublic school not seeking state approval for the purpose of the following:

(a) Increasing their child's academic performance.

(b) Facilitating socialization for student enrichment.

(c) Facilitating student recreational or athletic activities.

(5) Restrict or deny the use of the building for a Vacation Bible School or a Bible Camp.

1 B. Nothing in this Section shall prevent enforcement of Title 14 of the
2 Louisiana Revised Statutes of 1950 or any other applicable provisions of criminal
3 law.

4 §5234. Definitions

5 In this Part, unless the context otherwise requires:

6 * * *

7 (3) "Compelling state interest" means a government interest of the highest
8 magnitude that cannot otherwise be achieved without burdening a person's right to
9 the free exercise of religion and includes the interest of the state to protect the best
10 interest of a child and the health, safety, and welfare of a child.

11 * * *

12 (5) "Exercise of religion" means the practice or observance of religion under
13 Article 1, Section 8, of the Constitution of Louisiana and the First Amendment of the
14 Constitution of the United States of America and includes the ability to act or refuse
15 to act in a manner substantially motivated by a sincerely-held religious belief,
16 whether or not the exercise is compulsory or a central part or central requirement of
17 the person's religious belief and includes the freedom of worship in churches or other
18 places of worship under Article XII, Section 17 of the Constitution of Louisiana.

19 (6) "Government" ~~or~~ , "governmental agency", or "agency" means any of the
20 following:

21 * * *

22 §5237. Remedies

23 A. Subject to the provisions of R.S. 13:5240(C), a person whose religious
24 exercise is being, has been, or is likely to be burdened in violation of this Part may
25 assert that violation as a claim or defense in a judicial, or an administrative, or other
26 proceeding and obtain appropriate relief, not to include punitive or exemplary
27 damages, without regard to whether the proceeding is brought in the name of the
28 state or by any other person, including but not limited to:

29 (1) Injunctive relief, protective order, writ of mandamus or prohibition, or
30 declaratory relief to prevent any violation of these provisions.

(2) The actual damages, reasonable attorney fees, and court costs, including court approved expert witness fees.

B. If after satisfying the notice provisions provided in R.S. 13:5238, a person obtains preliminary injunctive relief under this Part, the person shall remain entitled to the remedies provided in Paragraph (A)(2) of this Section, notwithstanding any voluntary cessation or efforts to remove the infringing burden on the moving party's religious beliefs.

* * *

§5239. Remediation

Prior to the expiration of the thirty-day period referred to in R.S. 13:5238, an agency which receives notice in accordance with R.S. 13:5238 may remedy the substantial burden on the person's free exercise of religion. A person with respect to whom a substantial burden on the person's free exercise of religion has been cured may not bring an action under this ~~Section~~ Part or shall dismiss such action if it is already pending.

§5240. Limitations and procedures

A. Except as stated in Subsection B of this Section, and except as to objections, protective orders or writs of mandamus or prohibition, the provisions of the Louisiana Governmental Claims Act, R.S. 13:5101 ~~through 5108~~ et seq., as applicable, shall apply to an action ~~under~~ pursuant to this Part.

B. A person shall bring an action to assert a claim for damages under this Part not later than one year after any of the following:

(1) the ~~The~~ date the person knew or should have known of the substantial burden on the person's free exercise of religion.

(2) The date that an action pursuant to this Part was dismissed by an administrative law judge or a court, or there was a finding in favor of the person on the merit which resulted in a claim authorized pursuant to this Part.

(3) Mailing notice under R.S. 13:5238 shall toll the one-year period until the seventy-fifth day after the date on which the notice is mailed.

* * *

Section 2. R.S. 17:407.33(1) is hereby amended and reenacted and R.S. 17:407.33(9) is hereby enacted to read as follows:

§407.33. Definitions

As used in this Part, the following terms have the following meanings unless the context clearly indicates otherwise:

(1) "Camp" means any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group which serves only children five years of age or older and operates only when school is not in session during the summer months or school holidays including, but not limited to, a Vacation Bible School, or Bible Camp.

* * *

(9) "Mother's day out program" means a religious enrichment program for children offered at a church or other place of worship that meets the requirements of R.S. 17:407.35(B).

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____