

Religious Liberty in the States 2022

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

Sarah M. Estelle



Religious Liberty
IN THE STATES®

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Sarah M. Estelle

with the assistance of
Camryn Zeller



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RELIGIOUS LIBERTY.

DEDICATED

TO THE

PEOPLE OF THE UNITED STATES

BY THE

ORDER B'NAI B'RITH

Foreword

First Liberty Institute (FLI) has a long history of successful legal advocacy on behalf of religious freedom. Responding to a need for principled academic engagement in our field, we launched the Center for Religion, Culture & Democracy (CRCD) in October 2020. The work of the CRCD is focused on advancing a positive and constructive vision of a society that universally respects conscience rights and makes social, cultural, and political space for all citizens to order their lives according to their most fundamental beliefs. In short, FLI and the CRCD begin with the assumption that religious freedom is a civic good that is a prerequisite for building and sustaining a free society where all people are able to flourish.

In order for us to fulfill our mission we must understand the current status of religious freedom in our nation, and to that end we have commissioned the Religious Liberty in the States (RLS) index. The RLS index makes a significant and unique contribution to the field in a way that is rigorous, thorough, and thoughtful. We are proud of this project and thankful for the hard work that has made it possible. Dr. Jordan Ballor, the CRCD's Director of Research, has ably managed this project on an organizational level, and Dr. Sarah M. Estelle, the Director of the RLS Project, has tenaciously and tirelessly worked to deliver an important tool that is accessible and transparent.

Our hope is that the RLS index will be profitably employed across the political spectrum, by those of any or no faith, in academia and beyond.

Kelly Shackelford

President, CEO, and Chief Counsel
First Liberty Institute

Trey Dimsdale

Executive Director
Center for Religion, Culture & Democracy

Introduction

Sketching the Legal Landscape of Religious Liberty in the States in 2022

The United States Constitution, drafted in 1787, is a remarkable document. It is the oldest written and operating constitution in the world. There have been twenty-seven amendments to this text since its inception, from the original Bill of Rights, inclusive of the first ten amendments ratified in 1791, to the twenty-seventh, finally ratified in 1992 (after having been introduced in 1789).

The First Amendment to the Constitution is the primary basis for the legal recognition of religious liberty in the United States. It opens with these famous restrictions: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” These two clauses concerning establishment and free exercise have formed the foundation for federal religious liberty jurisprudence since their ratification.

The last 235 years have seen great changes in the United States. The nation’s borders have shifted and grown, now comprising land between and beyond the American coasts of the Atlantic and Pacific oceans. A census conducted in 1790 placed the population of the United States at just over 3.9 million people spread across thirteen states. The latest national census completed in 2020 counted more than 331 million people in fifty states.

The American people are not only more numerous; they are also more diverse in manifold ways. The nation has experienced numerous religious awakenings and revivals, the trauma of the Civil War, two world wars, the Cold War, struggles for justice in the end of slavery and segregation, and countless other conflicts and conflagrations, domestic and abroad, cultural and political. Waves of migration from all over the world have grown the American people, both numerically and ethnically.

The national commitment to religious liberty, however, which motivated the first European immigrants to the American continent and animated the polity of the new United States emerging from the Revolutionary War, has remained unchanged amid America’s tumultuous development. The Constitution promises the free exercise of religion for American citizens as well as the rights of individual states to protect religious liberty.

This index, Religious Liberty in the States (RLS), is an attempt to grapple with the diverse reality of religious liberty in the United States across fifty distinct political units in an empirically measurable way. In this sense the

aims of the Index are both robust as well as refined.

The Index aims to be robust in the sense that it is intended to capture all the relevant areas of variation in legal safeguards for religious exercise across all fifty states. This inaugural iteration of the Index identifies six different areas of action by state laws (groups), inclusive of eleven different classes of protections (safeguards), consisting of twenty-nine distinct protections (items). Undoubtedly there are areas for future growth of the project in that the legal landscape will change, potentially adding new areas of relevance for the Index’s coverage. In addition, there are areas of the law as it already exists that can be identified to expand and enhance the robustness of the Index’s findings in future years.

The RLS project is refined in several senses as well. There are practical limitations in terms of the constraints of time and resources for this first edition of the project. But there are also important conceptual, theoretical, and methodological limitations to the RLS project that both narrow and sharpen the Index’s scope.

The RLS index focuses on laws (statutory and constitutional) that are on the books for each of the fifty states. A straightforward, commonsense reading of these laws gives citizens a presumptive basis for seeing some aspect or manifestation of their religious freedom as being protected. In this way state law can be seen as foundational for safeguards of religious liberty in America.

Much more is constitutive of the experience of religious liberty beyond the written and codified law of the land, however. The RLS index is thus limited: It does not measure nor does it purport to measure the experience of religious liberty for Americans in their everyday lives. It does not examine the cultural attitudes either for or against religious expressions of faith in America. It does not look at the protections of or challenges to religious liberty at the level of cities, counties, or regions. The federal government provides the context and background for state laws but is not itself the focus of the project. Nor does RLS (at least at this initial stage) examine how the judicial or executive branches (the latter particularly in its administrative and regulatory apparatus) impact the real-world application of these legal safeguards.

The utility and efficacy of the Index is enhanced rather than confounded by these constraints. There is an established method for changing laws through the legislative process, laws which this Index measures and which can subsequently be addressed by policymakers and politicians. In this way the RLS project represents a foundational understanding that is necessary but not sufficient for a holistic and thorough understanding of

religious liberty in the United States.

Such a comprehensive perspective would entail a much broader scope than is feasible for a single project. The RLS index thus provides just one dimension (albeit an essential dimension) of the larger situation of religious liberty in America.

As one aspect of a larger perspective on religious liberty, the RLS project might be likened to a way of seeing the world. Imaging technology makes use of multispectral analysis to see the diverse, constitutive elements of what is being examined. In the same way that we can use CT scans, X-rays, ultrasounds, and MRIs to see the same parts of a human body from different perspectives, an examination of the positive law of the land in state-level statutory and constitutional provisions is one critical dimension of the larger reality of religious liberty in the United States.

To use a rather more artistic image, we might liken the comprehensive state of religious liberty in the United States to a landscape painting with a variety of geographical and natural phenomena. A mountain range provides the ground level, with peaks that rise higher or lower across the landscape. This ground level is akin to the legal provisions for safeguarding religious liberty. But mountains are marked by valleys or other features, including caves, cliffs, and ridges. Mountains are often augmented by flora, including many kinds of vegetation and growth, whether trees, bushes, or flowers. And human action has an impact on the landscape as well. In the same way, the legal provisions for safeguarding religious liberty can either be affirmed or even strengthened by other factors, or they can be weakened or undermined by a variety of phenomena.

To get an accurate understanding of religious liberty in America, we must start our sketch with the base level before we might move on to examine other phenomena that strengthen, weaken, or leave untouched these foundational elements. We must begin with the background, the foundation. We first use a pencil to sketch the contours and then fill it in with color and paint before adding other, more particular inflections. This sketch of the legal landscape of religious liberty in the United States is thus an initial step that contributes to the much larger, comprehensive, and collaborative task of evaluating and promoting free exercise across the entire country. There are aspects that this landscape sketch has not yet reached, or whose features need to be worked out with greater precision, or with greater depth, or with greater detail,

particularly in the course of other research projects.

The Center for Religion, Culture & Democracy (CRCD) is committed to continuing to develop and enhance the RLS project in future years. The report has gone through a substantive review process, with internal as well as external reviewers across a variety of disciplines. We welcome further feedback and constructive criticism and correction. We particularly welcome suggestions for how the Index might be made more robust and comprehensive and for areas in which it might contribute to the realization of domestic religious liberty and the broader flourishing of society.

This measure of the legal safeguards of religious liberty in the United States has been made possible by extraordinary sacrifices and liberality. Dr. Sarah Estelle's direction of this project and diligence in its execution is a singular achievement, and Camryn Zeller's assistance has been invaluable. The result in this inaugural edition of the Religious Liberty in the States index is a remarkable accomplishment, and their outstanding work is to be applauded. The CRCD under the direction of Trey Dimsdale has provided a uniquely hospitable intellectual and scholarly context for this work to come to fruition, and I am honored to have been able to help serve this research. First Liberty Institute, led by Kelly Shackelford, David Holmes, and Jeff Mateer, has made a visionary and generous investment through provision of the impetus, resources, encouragement, and expertise for the realization of this project. This vision will undoubtedly bear great fruit for the progress of religious liberty in the United States for years to come.

Jordan J. Ballor

Director of Research

Center for Religion, Culture & Democracy

Executive Summary

The First Amendment establishes a right to the free exercise of religion at the national level. Federal statutes and regulations protect religious liberty in yet other ways. But this project is not concerned with these provisions. Rather, we set out to understand what states are doing with the space that federal provisions leave them. All fifty states codify at least some additional protections of free exercise, carving out exclusions and exemptions for religious individuals or organizations.

Today, it is rare that a state would consider passing a law explicitly intended to prevent citizens from acting on their religious convictions. Instead, problems arise when states pass religion-neutral laws, or laws of general applicability, that keep some citizens from acting upon their religious convictions or penalize them if they do. For example, today all fifty states require children to be immunized before entering school for the purposes of public health. Though these laws do not target religious people, they place a distinct burden on those who hold sincere religious beliefs that prohibit immunizations. Consequently, many states historically have made room for those with such concerns. But in 2022, five states make no such exemption in their childhood immunization requirements.

Likewise, states have traditionally formulated their own election laws, including the requirements and procedures for absentee voting. In doing so, some states have recognized the potential conflict of voting in a particular place at a designated time for those whose religious observance (e.g., a holiday) may preclude it. As of the start of 2022, ten states did not permit religion as an acceptable reason for absentee voting or provide any other alternative to the polling place.

More recent changes in laws—including antidiscrimination laws in employment and public accommodations, health insurance mandates, and others—have triggered more complicated and heated competing liberty claims. Although religious people are generally not the intended focus of these laws, those who believe that their religious living and practice extend beyond worship, narrowly defined, may nonetheless encounter obstacles to their religious liberty. Religious liberty is an experience that extends beyond the physical walls and the operations of the nation's houses of worship. And as long as issues where Americans have deeply held but divergent and sometimes conflicting values are arbitrated by government entities (take as examples the provision of abortion by health-care providers and the solemnization of marriage by clergy), the free exercise of religion will require deliberate and nimble safeguarding.

Religious Liberty in the States (RLS) is an index reflecting free-exercise protections at the state level. The data for this first year of the project have been collected over fifty states and eleven “safeguards.” Once aggregated, they produce one RLS index score per state, suitable for ranking states and, in time, tracking changes. All the data are published online at religiouslibertyinthestates.com, where interested parties can also find the source data organized for safeguard-specific analyses. In [section 4](#) of this report and on the website, one-page state scorecards are available for those who are curious about individual states or who wish to communicate more effectively with their elected officials.

To maintain objectivity, RLS does not start with a predetermined list of religiously significant topic areas; we look to the states to indicate where laws are relevant for religious liberty. Where one state grants an exemption, for instance, to those with sincere religious belief, we identify a potential safeguard and turn to the remaining states to determine whether they are implementing the same safeguard. [Section 2](#) explains the methodology of selecting the data, and the answer to the first question in the Frequently Asked Questions ([section 3](#)) explains the reasoning behind some items we cannot include. Put briefly though, our item selection is guided both by indications by states that their laws are religiously relevant and the best practices of objective, quantitative measurement.

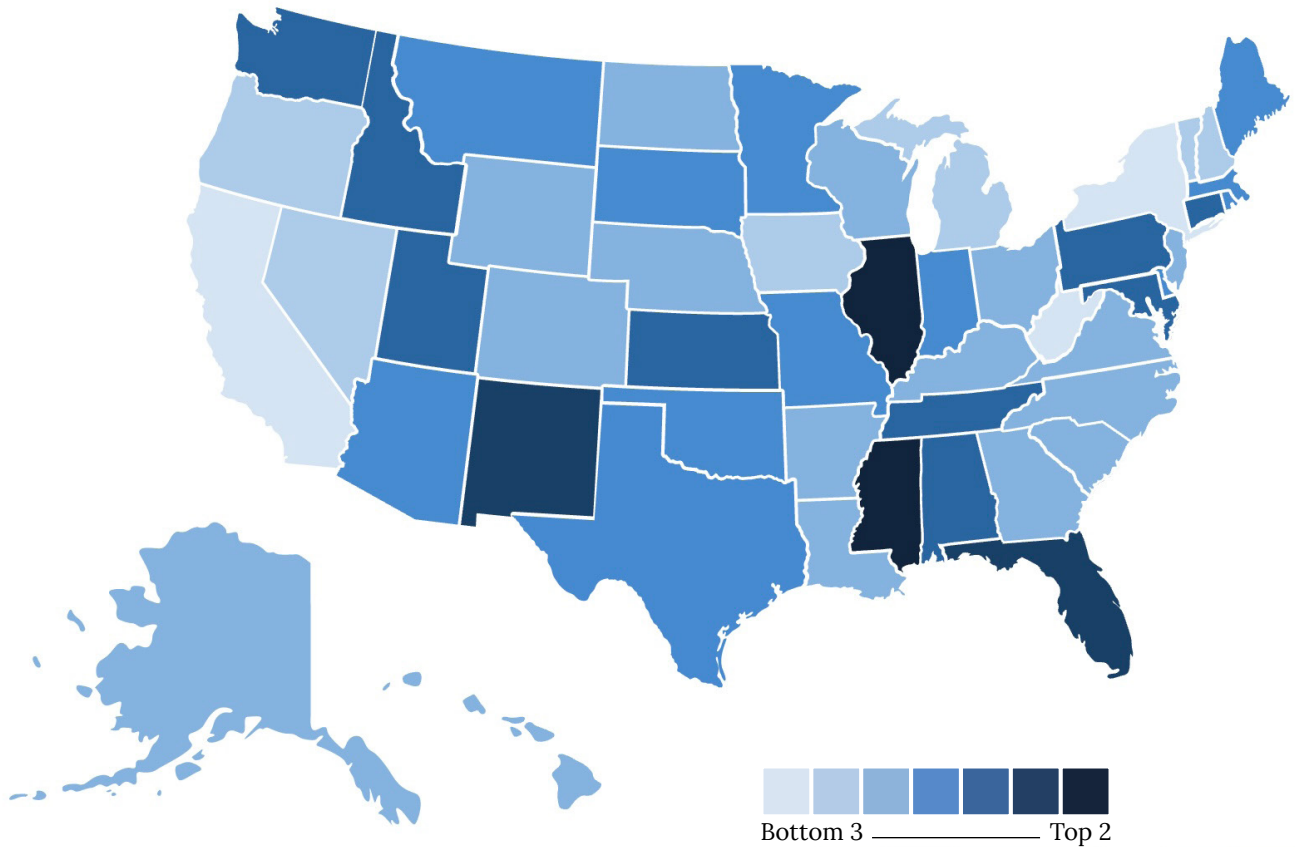
This first year of RLS measures the presence or lack of each of eleven safeguards in each state. States differ greatly, as reflected in the range of RLS scores (as percentages of an ideal) across the fifty states, from 16 percent of potential safeguards to 82 percent, and in the map below, where darker shades of blue indicate states that have in place more of the potential safeguards. All the details on methodology and results can be found in the full report that follows.

2022 Safeguards

1. Absentee Voting
2. Childhood Immunization Requirements
3. Health-Care Provision—General Conscience
4. Health-Care Provision—Abortion Refusal
5. Health-Care Provision—Sterilization Refusal
6. Health-Care Provision—Contraception Refusal
7. Health Insurance Contraceptive Mandate
8. Marriage & Weddings—Religious Entity Refusal
9. Marriage & Weddings—Public Official Recusal
10. Marriage & Weddings—For-Profit Business Nonparticipation
11. Religious Freedom Restoration Act

Religious Liberty in the States 2022

Rankings and Scores



Top 2 States

Rank	State	RLS Score
1	Mississippi	81.82%
2	Illinois	80.52%

Bottom 3 States

Rank	State	RLS Score
48	California	19.05%
49	West Virginia	17.75%
50	New York	15.58%

1. Religious Liberty in the States Overview

The First Amendment to the United States Constitution codifies the right to religious liberty with two broad sweeps: the establishment clause and the free exercise clause. While the former outlaws the establishment of a state religion, the free exercise clause affirms the right of people to live their lives according to the precepts of their religion. Both of these, stated explicitly in terms of what Congress shall not do, establish legal protections against government authority. They assert freedom from external coercion both away from or toward religious practice or the dictates of a particular religion. But these provisions, in addition to federal regulations and judicial rulings, leave significant opportunities for states to safeguard religious liberty within their jurisdictions.¹

While many proponents of religious liberty and users of the RLS index will have enthusiasm for what free individuals do with their liberty, too, this project is devoted to measuring the space afforded to state residents for religious exercise. [Appendix A](#) explains in much greater detail what is meant by the words “liberty” and “freedom” within this project. But we adopt the term “safeguard” to describe state laws that provide freedom from artificial barriers that would otherwise reduce one’s capacity for religious exercise. Even among those who agree that liberty is a means not an end, we submit that this sort of liberty is an essential precondition for facilitating other goods and a person’s ability to pursue his or her ultimate purpose.

It is the breadth of the space provided for religious exercise—rather than what people do with their liberty—that this Index ultimately measures. As a domestic measure of religious liberty, RLS reflects the reality that states differ in their distinct constitutional and statutory provisions for free exercise and, thus, safeguards of religious liberty for religious people. While it is also likely that states differ in other ways that provide more or less

space to people of faith, measuring the legal safeguards in place has a number of advantages over alternative measures (e.g., the attitudes of one’s neighbors, accepted social norms, or religious stigma²), providing greater accuracy and practical utility. First, laws are written and publicly recorded and thus manifest two necessary conditions for the transparency and objectivity to which RLS is committed. Second, what we learn from an index derived from such laws can illuminate practical opportunities for improving the space for free exercise. For example, a low score from an index measuring legal safeguards of religious liberty will point directly to feasible means for improvement.³

The data collection strategy of RLS, described in [section 2](#), is critical to the integrity of this project, and thus we rely on the states to identify a real-world potential—an existing scope—of legal safeguards of religious exercise based on what they are already doing. To the extent that a state lies within that demonstrable frontier of possible safeguards, citizens, advocacy groups, and scholars now have access to aggregated data in the form of this Index, the underlying data, and an easy-to-use website at religiouslibertyinthestates.com, which links each data point to a state’s law. For scholars and quantitative researchers, the careful efforts described below and the resulting data, previously unavailable in one location, can aid objective, data-driven arguments for retaining or expanding existing safeguards.

The most obvious takeaways from RLS might be the fifty-state ranking and each state’s score on the overall Index. Notably, no state is on the frontier, fully embracing all the possible safeguards (where “possible” is determined by the combination of safeguards undertaken by their peers, other states). Scores on the 2022 Index range from as low as 16 percent to as high as 82 percent. Weighting each state by its population,⁴ RLS scores imply that the average US resident lives in a state with only 38 percent of

¹This is due originally to the Tenth Amendment to the US Constitution and later the Supreme Court ruling in *Employment Division, Department of Human Resources of Oregon v. Smith* (1990). The former leaves to the states those powers not explicitly delegated to the federal government. The latter was a ruling against a Native American who was fired from his job for peyote use and denied unemployment benefits by his state. The decision is considered, by those who hailed it and lamented it alike, as tempering or even reversing to some extent the influence of the free exercise clause. Marshall (1991), for example, writes a “defense” of “Smith’s rejection of the constitutionally compelled free exercise exemption” despite disagreeing with the Court’s means of arriving at its opinion. Marshall is responding to McConnell (1990), with whom he largely agrees on the main implication of the ruling, but McConnell laments the decision as “free exercise revisionism.”

²Becket’s *Religious Freedom Index*, notably, tracks national opinion about religious freedom through an annual survey of one thousand adults. While one could argue that these opinions and attitudes are more fundamental, shaping both *de facto* experiences of people of faith and formal law, the dearth of high-quality data on individuals’ support for religious liberty and the inherent limitations of self-reported surveys seriously limit both the accuracy of any attempts to measure social support for religious liberty and the practical utility of such measures.

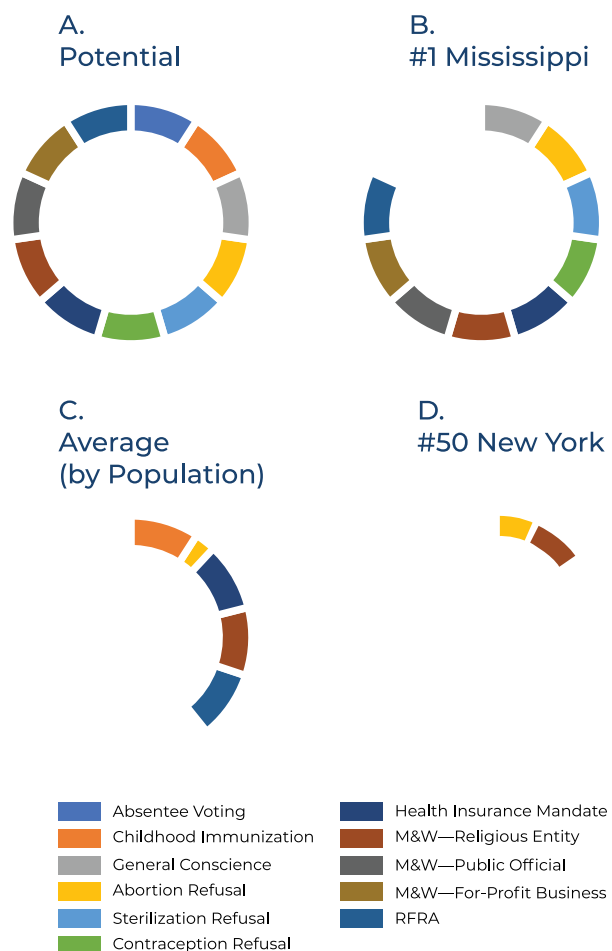
³Judicial interpretation and rulings matter to the experience of religious liberty too. [FAQ 9](#) explains why this first year of RLS will not include state-level court rulings and legal precedents, which are more difficult to objectively quantify. However, to say that written statutes and constitutional provisions are not the only factors in successfully safeguarding free exercise is not to say they are unimportant. In fact, as important as judges and courts are, *de jure* law gives standing to those who find themselves in a court proceeding and gives Americans the legal standing to raise concerns or appeal inconsistent judicial opinions.

⁴Population figures come from the most recent state population estimates of the US Census Bureau (2021).

potential safeguards, the median resident with 35 percent.

Figure 1 is a visual depiction of the preceding statistics. In each chart, an imagined or real state is illustrated, with its score reflected in the percentage of the circle completed and its degree of safeguarding in a particular area reflected in the length of a particular color in its circle. Each color represents a different safeguard. The ideal composition of a state’s score is shown in chart A, where each of eleven safeguards is present and at its maximum length (one-eleventh of the whole circle). Added up, they reach 100 percent, a complete circle. Charts B and D respectively reflect the scores of the number 1 and number 50 states, indicating that neither is reaching full potential (shown as incomplete circles), though number 1 is safeguarding significantly more than number 50. One can note that both states are missing safeguards (where a color is absent) and number 50 has only partial safeguarding in one area (where the color is not its full potential length). Chart C is what the average person in the United States might experience based on our population weighted calculations. Notice again, there are safeguards entirely missing, and among the safeguards that exist one is incomplete.

Figure 1: What Do These Percentages Mean?



With this, the first year of RLS, we invite interested scholars and data-informed advocates to make the case that religious liberty matters. The Index can be correlated with other state-level measures so that researchers can enhance the collective understanding of the factors that predict legal protection of religious liberty and its potential consequences (e.g., social stability, economic development, religious pluralism, charitable giving, and religiosity). In future years with data reflecting changes in states’ laws, researchers can consider time trends, both across the country as a whole and within states. Advocates can provide information to lawmakers using insights on a state’s relative ranking, the change in the ranking over time, or the components of the Index where the state falls short in its protections. Even when federal legal precedent on free exercise is clarified, practically eliminating or expanding some of the ways states can differ in their statutory safeguards, states can continue to “compete” to provide greater protections where federal law does not preclude it. Devolution of power to the states, as has recently occurred in the case of *Dobbs v. Jackson Women’s Health Organization* (but after the date of the RLS 2022 data), or increasing presence of or respect for minority religions across the United States, has the potential to make for even more interstate variation over time, which the Index can analyze in the future. (See [FAQ 10](#) for a preview of future plans in light of the flexibility of our Index.)

The Safeguards

An informative index will reflect—and therefore requires—meaningful interstate variation. Since federal constitutional and statutory protections exist to protect religious liberty and are the supreme law of the land, state law is unlikely to vary in ways that contradict these protections. But as noted above, religiously neutral laws can, even if inadvertently, imperil the right to religious exercise. (For example, state election laws are presumably uninterested in religious concerns, but might make voting at a polling place difficult when election day falls on a religious holiday.) States, in practice, differ in the extent to which they avoid these potential pitfalls by explicitly safeguarding the right to free exercise through state statutes or constitutional provisions. In some cases, religiously neutral laws create tensions and uncertainty for people of faith (e.g., antidiscrimination laws may constrain hiring practices of religious institutions even as their purpose is to prevent discrimination on religious as well as other grounds, such as race, gender, or sexual orientation), and thus additional laws or religious exemptions within specific laws may be employed to settle, if not eliminate, the tension.

The broadest scope of potential index items for this project is, thus, all objectively measurable state statutory or constitutional laws that make particular provision for

religious entities (persons, organizations, communities, or businesses) and differ across states. For this first year of the Index, we reduced the set of safeguards to those that (1) can be plainly read, such that (2) one can know whether the safeguard exists and (3) that it is not simply required by federal law (that is, superseded). Table 1 lists the resulting eleven safeguards and also illustrates the basic structure of the data, including six groups (of safeguards) and enumerating twenty-nine items that comprise the safeguards. (For more information on why RLS omits some especially timely topics from our safeguards, see [FAQ 1](#).)

Table 2 shows a summary of all states in the six areas (groups). States are sorted from highest to lowest in terms of their RLS score, that is, from those with the most safeguards to those with the least, and ranked accordingly. (For more details on states' safeguards and items, see [section 4](#) for each state's scorecard.)

[Section 3](#) attempts to answer what we have found to be the most frequent questions regarding the contents and purposes of our index. We invite other questions that we have not anticipated or encountered. We also encourage those who simply disagree with our methodological approach to use the data available at religiouslibertyinthestates.com to calculate their own scores and index. Since all the details, as well as links to the source laws, are provided there, the reader can consider the data in this project to be fully modular. Please use those data with different index methods or to define religious liberty differently as you like. Our commitment to the utmost transparency about this project should facilitate both evaluative and generative engagement with our work and, we trust, ultimately contribute to the important conversation about religious liberty in the United States.

Table 1: Data Structure and Content; Groups, Safeguards, and Items

Group	Safeguard	Items
Absentee Voting	(Same as Group)	1
Childhood Immunization Requirements	(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	1
	Nonparticipation	
Religious Freedom Restoration Act	(Same as Group)	1
6 Groups	11 Safeguards	29 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. In 2022, RLS evaluates twenty-nine items.

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 2022, RLS considers eleven safeguards.

group: A collection of safeguards that are topically related. In 2022, RLS analyzes six groups. The multisafeguard groups are those related to health-care providers and marriage and weddings. The four remaining groups are comprised of single safeguards. The purpose of the group designation is ease of communication (in some tables and figures) but has no role in index construction.

Table 2: State Rankings, Scores, and Data Summary (by Group)

States	Rank	Score* (%)	Absentee Voting (Yes?)	Childhood Immunization (Yes?)	Health-Care Provision (of 20)	Health Insurance Mandate (Yes?)	Marriage & Weddings (of 5)	RFRA (Yes?)
Mississippi	1	81.82			20	✓	5	✓
Illinois	2	80.52	✓	✓	19	✓	3	✓
New Mexico	3	60.82	✓	✓	12	✓	0	✓
Florida	4	58.01	✓	✓	9	✓	3	✓
Washington	5	52.16	✓	✓	8	✓	2	
Utah	6	51.95	✓	✓	5	✓	4	
Tennessee	7	50.65	✓	✓	10	✓	0	✓
Maryland	8	50.43	✓	✓	10	✓	3	
Idaho	9	50.22	✓	✓	10	✓	0	✓
Kansas	10	48.92	✓	✓	9	✓	0	✓
Connecticut	11	48.05	✓	✓	2	✓	3	✓
Alabama	12	47.62		✓	9	✓	0	✓
Pennsylvania	12	47.62	✓	✓	8	✓	0	✓
Maine	14	44.16	✓		13	✓	3	
Missouri	14	44.16	✓	✓	6	✓	0	✓
Oklahoma	16	43.29	✓	✓	3	✓	1	✓
Rhode Island	16	43.29		✓	5	✓	3	✓
Massachusetts	18	42.86	✓	✓	11	✓	0	
Minnesota	18	42.86	✓	✓	5	✓	3	
South Dakota	18	42.86	✓	✓	5	✓	0	✓
Arizona	21	41.56	✓	✓	4	✓	0	✓
Delaware	22	41.13	✓	✓	6	✓	2	
Indiana	23	40.26	✓	✓	3	✓	0	✓
Montana	24	39.83	✓	✓	9		0	✓
Texas	25	38.96		✓	2	✓	3	✓
Kentucky	26	35.28		✓	6	✓	0	✓
Arkansas	27	35.06		✓	12		0	✓
Louisiana	27	35.06		✓	6	✓	0	✓
Wyoming	29	33.98	✓	✓	5	✓	0	
Alaska	30	33.77	✓	✓	5	✓	0	
Hawaii	30	33.77	✓	✓	5		3	
Nebraska	30	33.77	✓	✓	5	✓	0	
North Carolina	30	33.77	✓	✓	5		1	
Ohio	30	33.77	✓	✓	5	✓	0	
Virginia	30	33.77	✓	✓	5		0	✓
New Jersey	36	33.55	✓	✓	11		0	
North Dakota	37	32.47	✓	✓	4	✓	0	
South Carolina	38	31.17		✓	3	✓	0	✓
Georgia	39	30.74	✓	✓	9		0	
Wisconsin	39	30.74	✓	✓	9		0	
Colorado	41	30.30	✓	✓	8		0	
Nevada	42	28.14	✓	✓	3		2	
New Hampshire	43	27.27	✓	✓	0		3	
Michigan	44	25.97	✓	✓	6		0	
Vermont	45	24.24	✓	✓	0		2	
Iowa	46	23.38	✓	✓	4		0	
Oregon	46	23.38	✓	✓	4		0	
California	48	19.05	✓		4		2	
West Virginia	49	17.75			6	✓	0	
New York	50	15.58			5		3	

* Section 2 describes the index construction strategy that generates these scores. As Section 2 explains more fully, groups of safeguards—that is, the contents of the six rightmost columns of this table—are not weighted equally. Instead, the individual safeguards are given equal weight.

2. Methodology

From Laws to a Statistical Index

For an index measure to be meaningful, there must be sufficient publicly available data that allow comparisons of like items across all states. For the RLS index to be accurate and the aggregation process credible, the items we include as contributing to a safeguard must meet three additional criteria.

First, each safeguard must be expected reasonably to *represent a true measure* of the protection of free exercise. RLS establishes this by relying on states to name where religious concerns are relevant in their laws. Moreover, we have been careful in defining the scope of this Index to be state laws that bind the state from infringing on religious exercise, consistent with our definition of “liberty” as described in [appendix A](#).

Second, each item must be *amenable to objective reading and scoring*. Unlike many other well-known indexes,¹ RLS cannot make use of existing, external datasets due to their limited availability and scope. Some advocacy groups have at intervals collected information on one area of law or another. Other, even fewer, law review articles have conducted more thorough analyses of an area of law across states.² These sources are not directly applicable to this project because often these efforts are conducted only at one point in time (and not the same time period as otherwise complementary projects), according to different objectives (i.e., not with religious liberty measurement in mind), or not in a way that is quantitative or lends itself to a direct quantitative transformation. While we do make some important use of such sources (as described in [appendix B](#)), one contribution of RLS is the creation of an integrated dataset about state-level religious liberty law that can be updated and analyzed over time and that lends itself to quantitative and qualitative analyses. But since we cannot outsource the measurement responsibility, we must be particularly careful in selecting 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 conclusion as to whether a safeguard exists or not.³

Third, in order for the individual item scores to be combined in the Index, *magnitudes must be unidirectional*. In other words, items might be dichotomous or naturally ordered by magnitude, and those magnitudes must have a monotonic relationship with the subject of interest, religious liberty.

In order to meet all these criteria, for at least the first year’s iteration of RLS, the candidate items are further narrowed to those that can be read plainly, without the use of an expert panel, such that it can be scored as a clean, binary score (1 or 0, that is, it exists or does not).⁴ Also, RLS deliberately focuses on areas of law that are not overly complicated by the role of federal legislation or Supreme Court decisions.⁵

Why just 0s and 1s?

Consider the Religious Freedom Restoration Acts (RFRA) adopted in twenty-three states. They have their purpose in common, namely, to safeguard religious liberty across state laws, present and future, that might impose burdens on religious people. But these state laws differ in some obvious ways, too, including language that might make some weaker or stronger. For one, most are located in state statutes; as of January 1, 2022, only one was codified in a state constitution. Further, some prohibitions use language as liberal as “shall not restrict” religious freedom or “shall not burden,” while others take a seemingly weaker form in “shall not *substantially* burden” (emphasis added). States also differ in the bars they set for what can justify a burden due to “rules of general applicability.” For example, in some states the law in question must pass the high bar of being “essential” for furthering a “compelling government interest,” while other RFRAs require only that a rule furthers any state purpose. In plain English, these words might convey different strengths of meaning. However, interpretation of such language must be left to the courts of each state. For this reason, we focus on the existence of such laws.

¹For 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.

²The research protocol and data from Sawicki (2019) is a prime example.

³Alternatively, 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, say, in future years, a 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.

⁴RLS assigns and reports detailed codes, again as much as a plain reading will permit, to maintain as much variation as possible in the dataset. The range of codes and scores for each item are specified in appendix B.

⁵Table 3 in FAQ 6 summarizes the federal context of the six groups of safeguards. For a more thorough understanding of federal context for each safeguard, reference each entry in appendix B.

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, 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.)

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

Consequently, state statutes and in limited cases constitutional provisions comprise the majority of the data for this project. RLS focuses on the specific state statutes and constitutional provisions it does because at least one state referenced religion in its relevant provision. The RLS team then assigns a code for each functional area of the law to reflect the way in which a state engages (or does not) in that area. Finally, those codes are converted to scores based on whether the code is consistent with a safeguard (score = 1) or not (score = 0). The resulting index score—the sum of all the individual safeguard scores earned by a state—is a single number for each state that permits a ranking of the states on all the areas included. (A complete technical [glossary](#) is available for ease of reference to some of our adopted terminology.) Figure 2 shows the process of moving from raw data (laws) to a valid RLS index.

Step 1: Identifying the Raw Data

States, through the language of their laws, have indicated areas of relevance to religious exercise by explicitly referencing religion. RLS does not predefine a topical scope for religious exercise but considers as candidate items anything that arises in any state (even one of fifty) and that references religion in making an exclusion or exemption in its law. In this way we allow states to reveal which aspects of American life are religiously relevant rather than using a philosophical, theoretical, or value-oriented definition of what areas of the law might impinge upon free exercise.

We narrow the scope of our data to areas where any relevant federal law either does not apply to state

jurisdictions or where federal law is clear enough to characterize what space remains for the states to enact and enforce laws. In short, we need the apparent variation in the letter of state laws to reflect real variation in light of federal law. Thus, we eliminate, or table for this first year, areas of state law where the effect of federal law is difficult to characterize without a broad-based committee of legal experts.⁶ In the end, the 2022 project is limited to twenty-nine items that vary across states, are only affected by federal law in an easily characterizable way, and, finally, can be read simply as indicating that a safeguard exists or does not. Our data were collected over the latter half of 2021, verified in late December 2021, and can be interpreted as reflecting each state's safeguarding of religious liberty heading into the new year, 2022, thus "Religious Liberty in the States 2022."

Because each state's statutory law is structured differently, we made use of external sources whenever possible to streamline the search process for the laws of interest and to navigate state codes. In some cases, an external source provided sufficiently similar information to what RLS measures that it was considered a tool for corroboration; in other cases, an external source primarily provided citations for laws of interest. [Appendix B](#) specifies what external sources were used and how. We also provide hyperlinked state statute citations for each item in each state in the dataset available for download at religiouslibertyinthestates.com.

Step 2: Coding the Items

After reading each of the state laws, we constructed a list of possible codes for each item to capture as much variation relevant to religious exercise across states as possible. Though the next step simply involves scoring with 1s and 0s, we want to make careful record of the more detailed codes for two reasons.

First, careful consideration of the codes (represented by letters in our public use dataset) is important for the next step, scoring the data. Thinking carefully about what states are doing and how is an opportunity for deeper understanding of whether a safeguard exists or not. Second, recording the 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, as discussed below in Step 5: Constructing the Index. However, those codes are conducive to qualitative research and quantitative analysis of categorical data.

Figure 2: Steps to the RLS Index Score



⁶Given diversity of perspective among legal experts, it would not be surprising if a group of highly experienced scholars and practitioners would interpret differently federal law and court decisions, especially those emerging as something like "partial rulings" out of the Supreme Court. Therefore, a diverse committee of experts and careful data aggregation would be required to include a wider set of items.

Step 3: Scoring the Items

The score for each state on an item follows directly but not always obviously from the codes. Where data is “missing” that is, 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) or may be something akin to a state being asleep at the wheel (e.g., where federal law puts at risk religious exercise in an area and states are capable of protecting their residents, but do not).⁷ Codes allow us to understand different states as arriving at 1s and 0s in different ways. There may be a real difference in lived experience in states where one is safeguarded explicitly by state law or just implicitly by the absence of state statutory action in that area, but we are not able to discern that in quantitative magnitudes from the letter of the law, so we proceed agnostically by giving scores of 1 to both of these. Other users of our data may choose to proceed from codes to scores differently. (For more detail on how we handle missing data or lack of state action in an area, see FAQ 5 and 6.)

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 11 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.

Step 4: Constructing Safeguard Scores

The twenty-nine items in the RLS data naturally categorize themselves in eleven distinct safeguard areas. 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., 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 (the prospect of missing out on an opportunity to vote in light of one’s religious dictates).⁸ Thus the safeguard of absentee voting is dichotomous and fully captured in one item; likewise, any other single-item safeguard has a safeguard score 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.

The areas of statutory law in the RLS data are ten distinct safeguards defined by an area of exercise plus an eleventh safeguard in the form of Religious Freedom Restoration Act measures.

On a related note, although it is of no consequence for the empirical methodology, some safeguards exist adjacent to each other in topical ways (and, in practice, in law) such that writing and speaking about them as *groups* of safeguards is convenient at times throughout this report.

Step 5: Constructing the Index

We construct each state’s index score by adding its 11 safeguard scores, dividing by 11, and multiplying by 100. Consequently, the final RLS index score for each state can be understood as a percent of the observed frontier, that is, a frontier or ideal state understood as one that codified all real-world, observed safeguards.

Consequently, the official RLS index is an equal weighting of eleven 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,

⁷States cannot, strictly speaking, offer exemptions to federal law where federal law applies to state jurisdictions. However, it is clear that at least some states perceive an opportunity to safeguard religious liberty, or a need to do so even, based on federal law and Supreme Court decisions. A key example of this is Mississippi’s extensive protections for religious organizations and individuals (clergy, public office, and for-profit businesses) that emerged after the *Obergefell v. Hodges* (2015) decision regarding same-sex marriage.

⁸There 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.

even among coreligionists.⁹ 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 should be able to explain why and propose an alternative. And the simplicity also makes the implications and application of the Index results more apparent. RLS is more akin to something like a count of actual safeguards in a state compared to the potential set of safeguards. This means 0s point directly at feasible—at least as revealed in the actions of other states—room for improvement.

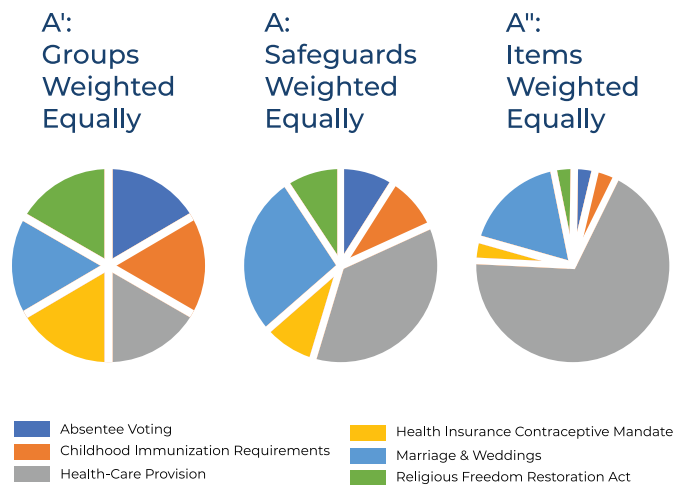
Where we diverge from a simple count is in collecting items in safeguards before the equal weighting. While it would be simplest to count each item separately, giving each of the twenty-nine items equal weight in our final score, where multiple items exist within a single safeguard they are often not totally separable. For example, if a public hospital can legally refuse to participate in sterilization in a state, it is also interesting to know the consequences from which it is protected. Where a complete safeguard would require multiple line items in a state’s law, a simple sum over the items would seem to overstate the importance of those individual items within a given safeguard and then that safeguard relative to the other single-item safeguards.

Given the unavoidably arbitrary nature of weighting schemes, we take two steps. First, we make our entire dataset available to those who would like to try alternative weighting systems. Second, we select the simplest and most transparent weighting scheme that avoids the issue raised immediately above—that is, we assign equal weights (simple and transparent) for conceptually distinct safeguards (as opposed to items).

Given the structure of our data, equal weighting could occur in three ways, as illustrated in figure 3 where each different color indicates a distinct topically related group. Our chosen weighting method (equal weighting by safeguard) results in the groups carrying weight as shown in panel A. This is also something of a middle

ground between the alternatives illustrated in A’ and A’’ (equal weighting by groups and equal weighting by items, respectively). To see this, take as a particular example the group of safeguards related to health-care practitioners (illustrated in gray in figure 3), which is comprised of four safeguards and twenty items. If we weight by group (A’), those twenty items carry as much weight toward “safeguard potential” as the one item about absentee voting (indicated in dark blue). However, if we weight individual items equally (A’’), the health-care practitioner protections comprise more than two-thirds (still in gray) of the overall index. For single-item safeguards, like absentee voting in dark blue, our selected weighting scheme (A) reduces its impact from the one in A’ (which would be a full one-sixth of the index in one item) but not as much as A’’ (one twenty-ninth of the index), which seems appropriate since it is a distinct area of safeguarding and one that applies to all voting-age adults.

Figure 3: Weighting Options and Weights by Group



Codes in the RLS data make it numerically feasible to take a fourth alternative, statistically distinct from weighted averages like the three above, Multiple Correspondence Analysis (MCA). MCA, a cousin to Factor Analysis, is a data reduction technique suitable for categorical data like our detailed item codes. Its chief benefits would be more fully utilizing the variation in state statutes (as captured in codes) and doing so without making any initial assumptions about the relative weights of items. Instead of making initial assumptions, MCA derives weights for each item and each code through

⁹We 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 RFRAs are relatively easy for courts to suppress by deciding that the state has a compelling interest, and thus RFRAs do 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.

a predefined statistical technique, taking the researcher's hand largely out of the process. Still, it is premised on the idea that there is a central, latent measure to be uncovered through the observed data. The central concept RLS aims to measure is the degree of safeguards of free exercise in each state. However, what MCA is likely to identify, based on the observed data, is a strange pattern (perhaps not ordered around one central, independent element) of political will, strategy, and feasibility in each state as it relates to making various laws protective of religious liberty. That is, the twenty-nine items in our data are boxes checked or not in each of fifty states as the result of complex political processes over years. If there is a central, latent factor underlying the observed data, it is not likely to be in line with an objectively definable "liberty," which we know, *a priori*, involves more safeguarding (or simply avoiding infringing on a space), not less.

Step 6: Validating the Index

Following Christenson, Freese, and Miguel (2019), we predefined the above steps. Before undertaking step 5, we verified the codes and scores by rereading each source law and comparing to any external sources, as described in [appendix B](#). Once satisfied with the accuracy of the RLS data, we gave special consideration to our selected weighting scheme before looking across safeguards in any state and calculating scores. The scores and rankings presented as RLS 2022 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.

Additionally, as we concluded our process, we reflected on four types of validity as a way of systematically illuminating the Index's strengths, its potential room for improvement, and the inherent limitations of indexes.

1. Strength: Face Validity

Face validity requires that the selected items reflect that which we aim to measure, protections of free exercise. RLS as a whole and in its component parts passes this test by relying on states themselves, through the language they use in their laws, to select safeguards for our consideration. We have not preselected what we consider relevant to free exercise but rather follow the lead of the states.

2. Room for Improvement: Content Validity

Indexes in general find it difficult, strictly speaking, to pass the test of content validity because it requires an exhaustive measure of all the components of the concept being measured. Our project is no different in that it cannot include all the state-level safeguarding protections while satisfying the principles outlined above. The ability to measure protections objectively is especially challenging, reducing the feasible scope of our analysis. Though a high bar, the notion of content validity does reinforce our desire to expand the set of included safeguards in future years.

3. Beyond the Scope: Construct Validity

It is outside the scope of this project to test whether our RLS index score has the expected relationships with other variables. We do encourage others in the course of their research agendas to consider the relationship of RLS to the social, political, or economic measures that interest them. While those affiliated with RLS or the CRCD may engage in some of this research outside the production of the Index itself, we encourage diverse and distinct efforts to consider religious liberty in relationship with many potential causes or consequences, especially where careful causal analysis is desired. This overall goal for research findings in a broader literature was one compelling motivation for maintaining the transparency, objectivity, and credibility of this project.

4. Ill-Defined: Internal Consistency

Within RLS, one can examine the inter-item relationships, but anticipating what would be a valid pattern is infeasible. Strictly speaking, there are no theoretical reasons to think the results of political action—the laws associated with safeguards—must result in patterns that are predictable or even easy to ascertain *ex post facto*. Politically progressive states may pursue different patterns within the scope of statutory safeguards and conservative states another. Some states may move more quickly to adopt safeguards on some emerging fronts (say, antidiscrimination law) in order to achieve political feasibility for desired changes sooner. Other states may not confront immediately certain rights claims so as to delay or avoid the political repercussions. (For example, some state laws still indicate that marriage is between a man and a woman, and some of those seem to avoid marriage solemnization exemptions, although federal law has superseded state marriage definitions since 2015.)

Still, for the sake of transparency, we can report that among the twenty-nine items, only two items are perfectly correlated; only two states allow public hospitals to refuse contraception provision, and they are the same two that provide criminal immunity for refusing the same. We suspect this pattern is the result of political processes and not, for example, that the items are conceptually redundant. Since our goal is not to measure one latent underlying factor from which these items result (something like political will), then if items do not cohere in an obvious way, that is acceptable. Our index is better understood as a way to summarize how much room for improvement a state has with respect to religious liberty and where precisely the potential exists.

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? The next section addresses questions we would expect to arise from those who, like us, think it is important to measure religious liberty well.

3. Frequently Asked Questions

Over the course of this first year's efforts, we have received some questions and asked many of our own. Here in an FAQ format we address the questions we anticipate many readers will have. (For other questions, please email RLS@crccd.net.)

Q1: Why haven't you included more of the things that touch people's daily lives or, collectively, their houses of worship? In other words, what about [fill in the blank], which I think is key to free exercise?

A1: Below are several specific examples and explanations why certain governmental provisions relevant to religious exercise were not included in the RLS analysis.

Religious Schools

In *Espinoza v. Montana Department of Revenue* (2020), the Supreme Court decided that the federal free exercise clause prohibits a state from excluding religious schools from a state scholarship program available to other private schools. As states sort out how to apply this precedent, its confirmation in *Carson v. Makin* (2022), and a similar ruling in *Trinity Lutheran v. Comer* (2017), some interstate variation may remain. However, it may also require an external expert committee to determine where such variation is tractable. Additionally, RLS does not consider it an issue of free exercise when states do not fund private initiatives in general, but rather variation in how states define and separate public and private spheres.

There is another issue that is more important for measures like ours that focus on freedom from barriers erected by states. It is possible, even probable, that states make requirements on private recipients of state dollars that place a hardship on religious institutions. Take, as one example, any requirements of specific curricula on preschool programs, which may in practice vary in meaningful ways that can be ascertained, hypothetically, from states' published regulations or bureaucratic documentation. Measuring these dimensions of interstate variation, however, may continue to be time-prohibitive for our project, which spans multiple issues, since the location of such rules and regulations will be particular to a state and even more varied than the layout of state statutory law.

Zoning and Land Use

According to Church Law & Tax, zoning is one of the top five reasons religious organizations end up in court.¹ However, zoning is largely outside the scope of our state-level index for two reasons. First, zoning laws and determinations are mostly local. (Any laws at a level more local than the state are not included in RLS.) Second, the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) outlaws land use or zoning restrictions that impose a "substantial burden" on religious persons or organizations, with some limitations.² This is not to say that religious organizations are never mistreated through local land use or zoning decisions, but it does suggest the potential scope for even local variation in these regulations is diminished.

Prison Regulations

Whether state prisons offer kosher and halal meals to incarcerated individuals, whether Sikhs, Muslims, and Jews can maintain facial hair, whether Rastafarians and Sikhs can keep longer hair—all of these are real issues of religious liberty. Regulations on dress, grooming, and personal possessions (including of religious items), as well as the availability of special diets and access to religious services, all contribute to a religious person's capacity for free exercise in a state's corrections system. While many court cases indicate this as an active area for religious liberty concerns, we do not include measures of prison regulations in the first year of the Index for two reasons. First, RLUIPA here, too, makes a significant amount of potential state or local variation a federal issue. Namely, RLUIPA charges the Special Litigation Section of the Civil Rights Division in the Department of Justice with investigating and, as necessary, litigating infringements on religious exercise of incarcerated individuals and others who are institutionalized by state or local government (e.g., disabled people). Since the scope of federal jurisdiction in states is mostly limited to cases involving a "program or activity that receives Federal financial assistance," some variation at the state level may exist.³ However, it is a significant challenge to compare fifty state prison systems' regulations when funding for myriad programs is unclear and particularly when prison regulations are not readily available to the public. In general, our analysis this year

¹Church Law & Tax (2022).

²RLUIPA (42 U.S.C. §§ 2000cc-2000cc5) was signed into federal law in 2000. A questions and answers document can be found at <https://www.justice.gov/crt/page/file/1071251/download>.

³RLUIPA 42 U.S.C. § 2000cc1.

has not addressed state regulations as their structure and organization is more difficult to identify and compare.

Adoption and Foster Care

Because of evolving legal precedents at the federal level,⁴ we table state-level religious exemptions for adoption and foster care agencies until a time when federal rulings are clearer. In general, it is important to note that interstate variations in the letter of the law may not be actual variations in practice. States may require time to update their laws, regulations, and policies to reflect Supreme Court decisions or may simply not do so.⁵ Also, for the purposes of this first year's Index, we have tabled consideration of items where advanced legal expertise is needed to score an item or to ascertain the extent to which a state's law has been invalidated.

Antidiscrimination

Antidiscrimination laws in public accommodations and in employment are both particularly timely, as the number of protected classes has expanded in recent years, and controversial. However, for the purposes of the Index, these two dimensions of state law are a perfect example of so far insurmountable challenges due to interactions with federal law. Federal laws define what constitutes a public accommodation for the purposes of federal law,⁶ while some states define public accommodations differently or not at all. Federal law limits the applicability of employment laws to employers of a certain size, while some states do not set limits or set different limits. So, for example, in some states a small daycare operated by a religious organization might be excluded from both antidiscrimination public accommodation and employment laws, while in another it might not be excluded or exempted from either. Moreover, the reason for the exemption or lack thereof may be who owns it, for what purpose it is run, whether a daycare is considered a public accommodation or not, how small is "small," or that the state does not safeguard any religious daycares. It is possible that a large team of trained researchers could undertake a systematic textual analysis of all fifty states' laws that would produce a large set of credible measures in this multidimensional space,⁷ but we table this for a future year.

Q2: Based on the items you identify, isn't this just an index for freedom to be (a conservative) Christian?

A2: No. This index draws from as many state statutes and constitutional provisions as possible to measure religiously relevant laws that might differ across states regardless of the religious motivation for the safeguard. Typically, states are not writing new laws to intentionally restrict religious liberty, and so the variation comes from states providing safeguards for free exercise, say, in otherwise religion-neutral laws. It is important that we allow states to indicate through the language of their laws (e.g., where they cite religious belief as providing an exemption) where their citizens, presumably, consider a law to potentially jeopardize free exercise. In the early twenty-first century, some of these safeguards are legislative responses to Sexual Orientation and Gender Identity (SOGI) or antidiscrimination laws, which have admittedly captured the attention of certain Christian denominations but also adherents of other religions and, of course, the media. In a democracy it is true that the most vocal or legally active communities can have a greater impact on laws, holding other things constant. Consequently, the proverbial "squeaky wheels" have a real impact on the laws of a state and, therefore, determine what scope of free exercise protections the RLS project team can consider as safeguards for the purposes of this Index. And, to be clear, none of the included safeguards expressly target a Christian practice. In addressing this concern it is also helpful to note that federal law may eliminate from our consideration for the Index important provisions for other religionists. Federal provisions for the legal possession, use, and transport of peyote by Native Americans are a key example of this.⁸

Q3: Of the items you identify, why are so many focused on reproductive rights or same-sex marriage?

A3: In our current legal and cultural landscape, there are seemingly unavoidable tensions, even competing rights claims, in many health-care, health-insurance, and marriage laws. Some parties express a positive right to a health-care service, for example, and others, based on

⁴Fulton v. City of Philadelphia (2021) is such a case with respect to foster care.

⁵For example, more than a few states still have old laws on the books that reflect a religious test for state office holders, but these tests have been unenforceable since *Torcaso v. Watkins* (1961).

⁶42 U.S.C. § 12181(7) (1990).

⁷This would require something similar to the (comparatively simple yet quite formidable) work by Sawicki (2019) that we use in our verification of health conscience provisions. Sawicki provides a detailed research protocol for her project.

⁸See, for example, 42 U.S.C. § 1996a (1994).

conscience, assert a negative right, refusing participation. RLS is an index constructed based on legal provisions for religious exercise, so it focuses on the latter without making any statements about the desirability or justice of the former. RLS does not consider and our scores are not influenced by the magnitude or extent of positive right provision in states, except in that the existence of those laws gives potential for religious exemption. Our index scores also make no attempt to measure how often or how many religious people exercise their liberties in a given way.

Q4: What about those who have no faith and should be granted a right to conscience?

A4: Traditionally, the right to live according to conscience per se has not been as pervasive in law as religion, explicitly stated. This may reflect the greater difficulty of verifying sincere conscience outside of identifiable religions and, relatedly, perhaps due to the difficulty of differentiating a sincere case of conscience from simple lawbreaking. To the extent that American jurisprudence discounts other sources of conscience, this is a problem in the law, not with RLS. However, this Index can contribute to an understanding of the many ways laws thought to be neutral to certain concerns can still impose burdens upon those concerns and how states might make accommodations to alleviate or remove those burdens. In practice, in the cases where states list “conscience” as a qualification for an exemption, we find that most states include religion within that umbrella term, and we consider those conscience provisions consistent with a religious safeguard, scoring items in those states accordingly.

Q5: How does this Index handle states that aren't acting in all the areas other states are? Isn't religious liberty still hindered when a state must grant an exemption from a law but not if the state would just refrain from interfering entirely?

A5: In theory it seems so. But this is only the case if the federal government is not establishing from above affirmative rights that impose duties on religious people. Of course, once a state is itself active in a space, there is no way to argue that a lack of accommodation for religious exercise concerns is consistent with a safeguard. Thus, when a state lacks an explicit safeguard in an area, our coding of the relevant items carefully considers the federal context and the scope of the state's action before determining whether the lack of an explicit protection is putting religious liberty at risk or not. Table 3 puts these two dimensions—federal influence and state action—together for our six groups.

Q6: Laws are, in some cases, a substitute for social norms and are more likely to arise in communities that are less naturally hospitable or tolerant. Are the safeguards identifying real protections or underlying risks?

A6: Believing that norms, attitudes, and informal structures are precursors to both good laws and the fullest sense of true freedom, we have anticipated from the beginning the complication that communities that naturally support certain aspects of religious liberty may not feel the need to codify safeguards in the law in those areas. This affects how we think about our safeguards.

With respect to the 2022 safeguards, though, this concern is largely allayed. Consider again table 3. In rows B and C, all states are active, dictating how voters can participate and that (in all states) children of a certain age must be immunized. Social norms cannot nullify voting procedures or state mandates. In rows D and E, the federal government is setting various precedents that suggest safeguards would be valuable. A healthy pluralism may substitute to some degree for explicit legal safeguards, but where there is a nationwide precedent, the protection of a community's tolerance may only pan out partially and on average. Depending on the balance struck between competing rights claims over time, social norms may wane in their effectiveness.

In the case of the health insurance contraceptive mandate on employers (row F), we recognize that states that do not have their own contraceptive mandate have no need to make exemptions, and we score this as implicitly safeguarded. States that do have mandates, though, cannot explain away the lack of safeguard based on healthy social norms, since norms cannot invalidate statewide legal mandates.

Table 3: Scoring State Inaction, with Special Attention to Federal Influence

Row	Group	Any Federal Influence?	Are States Active?	So no explicit safeguard implies...
A	RFRA	No. Federal RFRA has no jurisdiction in states.	It's complicated. All states may inadvertently burden religious entities through rules of general applicability.	... it is not safeguarding. (score=0)
B	Absentee Voting	No.	Yes. All states have election laws.	...it is not safeguarding. (score=0)
C	Childhood Immunization Requirements	No.	Yes. All states have childhood immunization requirements.	... it is not safeguarding. (score=0)
D	Health-Care Provision	It's complicated. Federal law protects practitioners from religious discrimination, and many federal statutes contain conscience protections.	Some. States may extend additional protections (beyond those in federal law).	... it is not safeguarding. (score=0)
E	Marriage & Weddings	Yes. <i>Obergefell v. Hodges</i> (2015) confers a nationwide right to same-sex marriage.	Some. Even if a state does not in the letter of its law recognize same-sex marriage or provide any other reason why an entity may be legally compelled to participate in a marriage ceremony or celebration (e.g., explicit statement of this duty via antidiscrimination law), states can (and some do) exempt entities from participating in weddings or marriage celebrations against the teaching of their religion.	...it is not safeguarding. (score=0)
F	Health Insurance Contraceptive Mandate	Yes. The federal Affordable Care Act imposes a contraceptive mandate for health insurance plans, but current regulations allow an exemption for a broad array of employers with religious or moral objections.	Some. Some states do not have their own contraceptive mandates and so cannot shrink the space for free exercise.	... it is not safeguarding if it has a contraceptive mandate. (score=0) ... it is safeguarding (by omission of the mandate) the maximum level of exemption based on the federal law. (score=1)

So perhaps RFRA (row A) is of the greatest concern in this regard. One might argue that a state characterized by healthy civil society and positive pluralism may not need a written RFRA. But this neglects the fact that RFRA provisions are intended to give legal standing to religious entities when burdens arise even inadvertently through rules of general applicability. As state laws proliferate and change over time, any state—no matter how healthy—can run afoul of fundamental religious liberty rights, especially

those of minority religionists or otherwise marginalized groups. RFRA provisions only lack value added where state populations, their legislators, and judges are perfectly homogeneous. Still, we leave it to other researchers to explore the relationship between social norms and attitudes and RFRA provisions. It is an empirical question whether RFRA laws are more likely to arise within healthy, pluralist communities or within those where the risks to religious liberty are otherwise greatest.

Q7: The “space” to exercise religion freely is good, but are people truly “free” if they don’t use it?

A7: Simply safeguarding free exercise by legal means is unlikely to be a person’s or community’s end or purpose. But if the protection of free exercise is necessary to the potential for robust or sincere religious exercise or an authentic search for religion, then the Index analyzes a contributing factor to these more ultimate ends. Moreover, religious pluralism—by many accounts a positive influence on communities and important even when imperfect in American history—is infeasible without the space for free exercise. Statistical studies of religious pluralism (as much as it is indicative of true and robust conscience within a population), sincerity of practice (or no practice, where likewise rooted in conviction), and religiosity among the religious could benefit from controlling for the “space” provided (or not) for any of these by a state’s safeguarding of free exercise. That “space” is the construct this Index measures.

Q8: Why haven’t you included particular court cases addressing infringements on individuals’ religious liberty by the state or a person’s neighbors? What matters is people’s daily experiences, not the letter of the law.

A8: It is true that many legal concerns and cases arise claiming mistreatment of religious individuals and communities even in the United States, which recognizes religion as a fundamental liberty. A meaningful index, however, needs to reasonably reflect the thing it is meant to measure, and case counts cannot do so unambiguously. A state with zero religious liberty cases in a year may be ideally hospitable to people of different faiths, extremely inhospitable to different faiths (and consequently homogeneous), or religiously diverse but inhospitable enough that no minority religionist would raise his or her concerns in a court of law. If an observation of zero cases can reflect any or all of these situations in states, case counts cannot be meaningfully aggregated, let alone combined with other valid safeguards. Still, statistical analyses of religious pluralism or legal claims of religious discrimination should be greatly aided by a summary measure like RLS that reflects *de jure* state laws.

Q9: What about decisions of judges and courts that interpret statutory or constitutional law? How do you account for the variation in case law that is not captured by the letter of the law?

A9: Interpretation and enforcement of the law are important for liberty too. However, judicial interpretation is also more difficult to measure objectively, and it is difficult to ensure that one is making the necessary comparisons across all fifty states. Even granting that a largely statute-based legal index cannot capture the critical role of courts, the letter of the law does matter.

It matters to people who base expectations and decisions on those laws before a potential issue arises or reaches a court of law. When a case does come before a court, the existence of a solid, recorded law gives those with sincerely held religious beliefs a justification, even a legal standing, for their religious liberty demands. If states neglect or reject legal safeguards through legislative means, the prospect of judicial decisions in favor of religious liberty are greatly diminished. Moreover, where judges act inconsistently with the law, citizens can appeal as necessary.

Still, future iterations of RLS will consider ways case law may contribute to the Index without diminishing the accuracy of the measure. For example, where states have RFRA-like protections (Baumgardner and Miller 2019) from precedent-setting cases of state courts or where court decisions establish a strict scrutiny criterion, it is in theory feasible to consider a dichotomous measure of the presence of such precedents in a state’s law.

Q10: Even if I think this is a solid, thorough start, RLS 2022 is just a measure of religious liberty at one point in time. What if state laws change, either due to political will or because new issues arise within our dynamic, pluralist nation?

A10: RLS 2022 is the first in a series of reports and datasets to be constructed and released on a regular basis. We anticipate our next edition to be released in 2023, reflecting the state of religious liberty heading into that year. Repeated updating, as often as annually, will allow for longitudinal analyses using our data.

Not only will our safeguard codes and scores be updated based on relatively straightforward changes in state laws, our methodology is flexible enough to systematically incorporate a range of changes. For example, a change in the federal context (e.g., *Dobbs v. Jackson Women’s Health Organization* [2022]) will have significant impact on how the related safeguard’s codes are defined in 2023. (Look to our website for an update on how RLS will adjust to this change in federal context post-*Dobbs*.) If any state creatively addresses existing safeguard areas in 2023, our codes can adjust to that as well. If any state addresses new issues, justifying new safeguard areas in 2023, our methodology for data collection is ready to consider that too. Because we have started by making only limited use of external data sources and reports, due to their limited availability, we are not beholden to their update schedules or continued existence. We will continue to face constraints due to incomplete or emerging federal context, for example, or emerging areas of law that may be of intense interest but with no feasible way to code and score objectively. But these are simply limitations of quantification of qualitative data. Our commitment to objectivity can coexist with expanding and continuing these important efforts.

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 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, “Methodology: From Laws to a Statistical Index.”](#) 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 **12th** in 2022.

Opportunity for Absentee Voting?	No
Exemptions for Childhood Immunization Requirements?	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?	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?	Yes
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

= **48%** on the Religious Liberty in the States Index



Alaska is ranked **30th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **34%** on the Religious Liberty in the States Index



Arizona is ranked **21st** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **42%** on the Religious Liberty in the States Index



Arkansas is ranked **27th** in 2022.

Opportunity for Absentee Voting?	No
Exemptions for Childhood Immunization Requirements?	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?.....	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?.....	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

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



California is ranked **48th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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?.....	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

= **19%** on the Religious Liberty in the States Index



Colorado is ranked **41st** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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?.....	Yes
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

= **30%** on the Religious Liberty in the States Index



Connecticut is ranked **11th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **48%** on the Religious Liberty in the States Index



Delaware is ranked **22nd** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **41%** on the Religious Liberty in the States Index



Florida is ranked **4th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **58%** on the Religious Liberty in the States Index



Georgia is ranked **39th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **31%** on the Religious Liberty in the States Index



Hawaii is ranked **30th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **34%** on the Religious Liberty in the States Index



Idaho is ranked **9th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **50%** on the Religious Liberty in the States Index



Illinois is ranked **2nd** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **81%** on the Religious Liberty in the States Index



Indiana is ranked **23rd** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **40%** on the Religious Liberty in the States Index



Iowa is ranked **46th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **23%** on the Religious Liberty in the States Index



Kansas is ranked **10th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **49%** on the Religious Liberty in the States Index



Kentucky is ranked **26th** in 2022.

Opportunity for Absentee Voting?	No
Exemptions for Childhood Immunization Requirements?	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?	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

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



Louisiana is ranked **27th** in 2022.

Opportunity for Absentee Voting?	No
Exemptions for Childhood Immunization Requirements?	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?.....	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

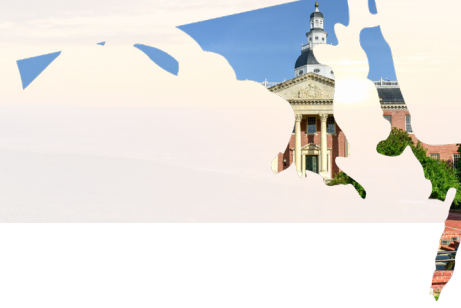
= **35%** on the Religious Liberty in the States Index



Maine is ranked **14th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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?.....	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?.....	Yes
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

= **44%** on the Religious Liberty in the States Index



Maryland is ranked **8th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **50%** on the Religious Liberty in the States Index



Massachusetts is ranked **18th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **43%** on the Religious Liberty in the States Index



Michigan is ranked **44th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **26%** on the Religious Liberty in the States Index



Minnesota is ranked **18th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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?.....	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

= **43%** on the Religious Liberty in the States Index



Mississippi is ranked **1st** in 2022.

Opportunity for Absentee Voting?	No
Exemptions for Childhood Immunization Requirements?	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

= **82%** on the Religious Liberty in the States Index



Missouri is ranked **14th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **44%** on the Religious Liberty in the States Index



Montana is ranked **24th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **40%** on the Religious Liberty in the States Index



Nebraska is ranked **30th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **34%** on the Religious Liberty in the States Index



Nevada is ranked **42nd** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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?.....	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

= **28%** on the Religious Liberty in the States Index



New Hampshire is ranked **43rd** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **27%** on the Religious Liberty in the States Index



New Jersey is ranked **36th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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?.....	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?.....	Yes
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

= **34%** on the Religious Liberty in the States Index



New Mexico is ranked **3rd** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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?	Yes
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

= **61%** on the Religious Liberty in the States Index



New York is ranked **50th** in 2022.

Opportunity for Absentee Voting?	No
Exemptions for Childhood Immunization Requirements?	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

= **16%** on the Religious Liberty in the States Index



North Carolina is ranked **30th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **34%** on the Religious Liberty in the States Index



North Dakota is ranked **37th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **32%** on the Religious Liberty in the States Index



Ohio is ranked **30th** in 2022.

Opportunity for Absentee Voting?.....	Yes
Exemptions for Childhood Immunization Requirements?.....	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

= **34%** on the Religious Liberty in the States Index

Oklahoma is ranked **16th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **43%** on the Religious Liberty in the States Index



Oregon is ranked **46th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **23%** on the Religious Liberty in the States Index



Pennsylvania is ranked **12th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **48%** on the Religious Liberty in the States Index



Rhode Island is ranked **16th** in 2022.

Opportunity for Absentee Voting?	No
Exemptions for Childhood Immunization Requirements?	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

= **43%** on the Religious Liberty in the States Index



South Carolina is ranked **38th** in 2022.

Opportunity for Absentee Voting?	No
Exemptions for Childhood Immunization Requirements?	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?.....	No
Religious Organization Nonparticipation?.....	No
Tax-Exempt Status Protected?.....	No
Public Official Recusal?.....	No
For-Profit Business Nonparticipation?.....	No

= **31%** on the Religious Liberty in the States Index



South Dakota is ranked **18th** in 2022.

Opportunity for Absentee Voting?.....	Yes
Exemptions for Childhood Immunization Requirements?.....	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

= **43%** on the Religious Liberty in the States Index



Tennessee is ranked **7th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **51%** on the Religious Liberty in the States Index



Texas is ranked **25th** in 2022.

Opportunity for Absentee Voting?	No
Exemptions for Childhood Immunization Requirements?	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?.....	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

= **39%** on the Religious Liberty in the States Index



Utah is ranked **6th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **52%** on the Religious Liberty in the States Index



Vermont is ranked **45th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **24%** on the Religious Liberty in the States Index



Virginia is ranked **30th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **34%** on the Religious Liberty in the States Index



Washington is ranked **5th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **52%** on the Religious Liberty in the States Index



West Virginia is ranked **49th** in 2022.

Opportunity for Absentee Voting?	No
Exemptions for Childhood Immunization Requirements?	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

= **18%** on the Religious Liberty in the States Index



Wisconsin is ranked **39th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **31%** on the Religious Liberty in the States Index



Wyoming is ranked **29th** in 2022.

Opportunity for Absentee Voting?	Yes
Exemptions for Childhood Immunization Requirements?	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

= **34%** on the Religious Liberty in the States Index

Appendix A

What Kind of Liberty?

RLS is intentionally designed to be accessible to many different users with the hope that this project will spur research efforts, public debate, policymaking, and advocacy related to religious liberty. Further, we want this tool to be useful because of its credibility, not merely because of rhetorical flourish or popular appeal. Defining terms, including “liberty,” with precision is part of 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 user base in terms of religion, political persuasion, sphere of influence, and cultural context, it is necessary to establish what we mean by “religious liberty.” In other words, in what sense does RLS assert that religious exercise can be understood as “free”?

Some will immediately think of particular rights—freedom of assembly, freedom of speech, freedom of association—that, when respected, constitute freedom.¹ Others will think of particular sociopolitical issues, especially those that are current or controversial in the national debate. But part of that debate, in fact, proceeds from a deeper, longer-term debate over the nature of freedom. Whose definition of “liberty” should we use?² Consider two scenarios, one or both of which might seem to some to capture an element of the free exercise of religion:

Scenario A: An entrepreneur opens a butcher shop, which he intends to operate in ways consistent with his faith and acceptable to the religious faith of his coreligionists and customers.

Scenario B: A butcher is interested in work at her local butcher shop and personally committed to living her life according to her deeply held religious beliefs.

It is not hard to imagine why many might consider the entrepreneur’s ability to hire in line with his business’s mission to be central to his liberty (scenario A) and to imagine that the opportunity for the butcher to find fulfilling work is in line with her freedom (scenario B). But these are two different sorts of freedom and, importantly, in the context of a statistical index, ones we have to

distinguish between conceptually and, ultimately, choose between as we compose our index. We will return to these scenarios.

The remainder of this appendix addresses, first, why we must choose among varying conceptions of liberty at all. If the RLS index is an objective measure, one might think judgment and discernment less necessary, but the converse is true. Second, we describe the conceptions of liberty and free exercise used in RLS. Third, we discuss the implications of that choice for the accurate interpretation of the Index and ultimately what it says about religious liberty, broadly understood. Since the role of government entities will be important in what follows, this appendix indicates this broad conceptual category of government entities as the State (capitalized) so as to distinguish it conceptually from the fifty states (lowercase) that are the empirical unit of analysis of our index.

Why Choose?

RLS concretizes a conception of liberty out of practical necessity as indicated by these four considerations.

1. Quantitative measures are limited. Understanding the limitations—especially of scope—is necessary to interpret and use the measure.

That is, clarity on the back end requires transparency on the front end. To be clear, that an index measure is limited in its scope or appropriate uses is not to say any given index, or aggregation in general, is flawed. Neither is an honest assessment of the limitations of quantification a black mark against quantitative measurement in general. (The only earned black marks should be among measurement projects that are reticent about their limitations.) “Limitation” is not a synonym for “flaw,” particularly when that limitation is well-defined and the presentation of the measure is transparent about its limitations. For RLS, defining liberty carefully is a key component of transparency about what it is we are measuring.

2. Indexes are only meaningful if they plausibly measure one thing that is unidirectional.

Although liberty, in its fullness, and religious liberty even, is multidimensional as a concept, to reduce the concept to a tractable discussion of more or less, greater or smaller, we must extract one dimension of religious

¹RLS avoids the language of “freedom of worship,” which is typically understood to be a much narrower scope of religious life than that practiced and understood by many religious persons themselves.

²One simplification RLS assumes is to use “freedom” and “liberty” interchangeably.

liberty. (This is related to the discussion of [face validity](#) above.)

3. We must define terms to have a pluralist discussion, especially since “liberty” means different things to different people.

Historically, “liberty” has been defined differently by different people and communities, and no doubt this will continue to be the case. Additionally, in the context of a diversity of religious faiths, “freedom” often has a transcendent sense that may neither be immanently attainable nor a function of statutes. We need to be clear what we mean by “liberty” in order to apply it where religious belief is involved, and so in what follows we make clear the focus is on religious liberty understood as political freedom.

4. In practice, as is the case in the current US context, “rights” claims can occasion inherently competing claims, which complicates all of the above.

To see this, recall the two scenarios above and further imagine they are one scenario because the butcher in scenario B is seeking employment from the employer in scenario A. If we imagine the owner runs a halal butcher shop and the butcher is a Christian, we can see the fundamentally competing liberty claims. In order to call his products halal, the butcher shop owner must employ Muslim butchers. Even if a Christian butcher is trained in standard food safety and butchering methods, and even if she is willing to follow the mundane elements of halal butchering methods, she cannot meet the religious requirements of the position. But some might argue she has the right to be considered for employment without reference to her personal religious beliefs. Consequently, it is not difficult to see how state laws granting religious employers exemptions from antidiscrimination laws run directly opposed to the religious employee who is protected, along with other protected classes, from discrimination by those laws. If a state protects Christian butchers from discrimination and allows Muslim employers exemptions from antidiscrimination laws, what does this mean for our measure?

What RLS Means by “Liberty”

Ultimately, RLS reconciles these concerns by measuring the statutory and state constitutional provisions safeguarding citizens’ free exercise **from the power of the State**. This choice was initially inspired by the most practical need for determining whether a scenario like the one above would enter into the Index as something like two points (a religious exemption for the employer and protected class status for the religious employee) or a zero (since they seem to offset each other or at least the net result is difficult to discern). While RLS 2022 does

not include antidiscrimination laws (as explained in [FAQ 1](#)), considering the possibility was constructive since hard cases clarify the meaning of more standard scenarios that might otherwise seem obvious. Moreover, having thoughtfully considered this from the beginning means RLS is poised to expand the Index into broader, more complex spaces over time while maintaining a consistent approach to measurement.

Furthermore, this conception of liberty is, we think, most consistent with the original idea of free exercise in the First Amendment, in that the State limited itself in asserting what Congress *shall not do*. Extending this concept of liberty to the states, then, means examining what laws say about what states shall not do. In the example of the butcher shop and butcher, our project does not take sides per se, but ascribes to free exercise the liberty of the Muslim owner in his hiring decisions and neither adds to nor detracts from a state’s RLS score based on the protections of religious employees such as the Christian butcher. Accordingly, in searching state laws for potential items for our Index, we consider the laws constraining the State.³

This notion of safeguarding by the State *from* the State is not only conceptually true to the federal constitutional provision of free exercise but also maps onto two existing approaches to defining liberty: (1) the notion of negative liberty in the simple dichotomy of Berlin (1969) and (2) a more comprehensive “triadic relation” emphasizing *from what* religious persons are free, presented in order below (MacCallum 1967, 312).

The advantage of the first approach is its simplicity and that it is well known (to suggest nothing about its popularity). Berlin begins his description of negative liberty with an appeal to plain language: “I am normally said to be free to the degree to which no man or body of men interferes with my activity. Political liberty in this sense is simply the area within which a man can act unobstructed by others. If I am prevented by others from doing what I could otherwise do, I am to that degree unfree” (Berlin 1969, 122). Sometimes this conception of liberty is characterized as freedom *from* external barriers and coercion, or even noninterference. Free exercise, with this notion of freedom, is religious exercise that is not limited by external influences or that the natural ability or capacity for religious exercise that is possessed by a person or community is maintained. RLS narrows the scope to political liberty especially with respect to external barriers from the State. Practically, RLS deems free exercise to be safeguarded when a capacity that would exist in the absence of State action remains untouched by a state or, where a state is active, an exemption or exclusion is carved out for religious entities.

³Admittedly, this omits State action meant to address barriers that arise in religious exercise due to the actions of fellow citizens not mediated by the State. In the final section below, we address the influence of social norms and attitudes in a production function of human flourishing and explain that we do not mean to give short shrift to the influence of these.

To those who find Berlin’s notion of negative liberty helpful (whether they prioritize negative liberty over an alternative positive liberty or not), this may be sufficient for understanding the concept of liberty in RLS. For others familiar with the debate over the dichotomy of negative liberty and positive liberty (e.g., freedom or capacity to or for, as opposed to from), seeing this notion of safeguarding in the context of a more robust triadic liberty may clarify things further.⁴ MacCullum (1967) asserts that freedom is better understood when it specifies who is free, what they are free to do, and what they are free from.⁵ Using this formulation, we can clarify that RLS measures “free exercise” in a sense that answers the three questions in the following ways, that is:

- **For whom?** Individuals and organizations;
- **For what?** Religious exercise; and
- **From what?** From legal coercion or penalties from the State (notably not social pressures or discrimination).

Notice that even with this more flexible construct for defining liberty, we must define the scope of “from what” in order to address the four practical considerations enumerated above.

Neither Berlin’s negative liberty nor MacCallum’s triadic device is intended to answer the subjective questions about ultimate purposes or the proper or ideal balancing of objectives in a pluralist society. Thankfully, the Index need not claim that its conception of safeguarding is the only or most important element of liberty or the strongest influence on human flourishing. We do not need to claim that positive liberty and social influences are unimportant, that is, that a different scope or notion of “from what” is not important for free people. We close this appendix with a stylized description of one way these various elements might be understood to interact in the production of human well-being.

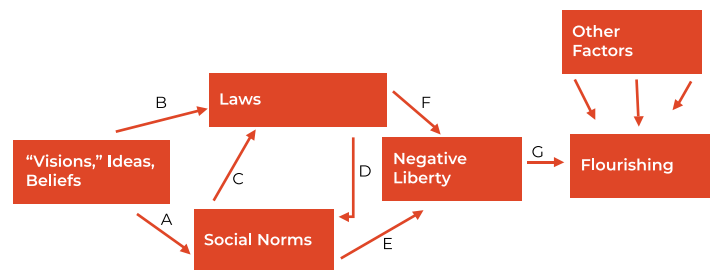
What This Implies for Interpretation

While our decision about the concept of liberty to focus on is a practical one, we are aware that many will be motivated to explore or apply this Index based on the broader issues of human flourishing, their preferred notion of freedom, perhaps even robust religiosity, or well-functioning pluralist societies. One limitation of RLS is that it does not, and it can not, reflect all the notions of freedom or liberty people could aspire to for themselves or, in a well-functioning pluralist society, for their neighbors. RLS cannot by itself speak to all these things.

But because the project is clear about what the Index is, it can play a role in studying the relationships that constitute a broader production function of human flourishing.

A state simply placing some restrictions on itself in the letter of its law will not address entirely the concerns of those who appreciate the positive role of religious faith in people’s lives (and thus in their communities) or of those who recognize as a natural right the freedom to live according to one’s conscience. One might find the economic construct of production functions, with their inputs and outputs, a helpful metaphor in this case. We imagine the production of some ultimate well-being—let’s call it flourishing—as a multistage production function as in figure 4.

Figure 4: Production Function of Flourishing



First, the most fundamental input to human flourishing is what persons in communities believe to be true. We can call these beliefs, ideas, worldviews, or even “visions.”⁶ These ideas need not be conscious or articulated, but may comprise beliefs about human nature, the ideal society, the nature of the physical world, or the existence or qualities of the spiritual world. While these beliefs may vary within a community, collectively and in turn, they influence human action: (A) informing unwritten rules of social interaction (norms, morals, and associated stigma; formation of nongovernmental institutions and associations) and (B) motivating political processes that formulate laws and the legal environment.

Social norms themselves can (C) influence the recorded laws in critical ways too. Societies with well-functioning, agreed-upon norms and attitudes of acceptance of differences may need fewer written laws to achieve their goals. With respect to legal safeguards of religious liberty, fewer of these may be required where a given community is committed to privately safeguarding free exercise via informal stigma and reward systems. Alternatively, communities where order is lacking may

⁴There is a well-known concern that the negative/positive liberty distinction is a false one, in that both can be understood as freedom from something to do something else. Still, many proponents of negative liberty and the historical thinkers and schools of thought Berlin aims to characterize in these two broad (but not exhaustive) views of liberty seem to consistently “know it when they see it.”

⁵In practice the items we observe in some safeguard areas, even before we referenced this philosophical argument, exemplify these three dimensions of legally safeguarded liberty.

⁶Sowell (2007, 4) defines vision as a “pre-analytic” worldview—beliefs people hold prior to assessment of evidence or a reasoning process.

struggle to formulate laws in support of liberty that are politically feasible, and communities that lack tolerance may therefore create or maintain minimal or no legal safeguards of religious liberty.

In the reverse, laws can (D) affect social norms and institutions, providing more formal substitute mechanisms or detrimentally crowding out more organic mechanisms of self-governance. Alternatively, as far back as the classical philosophers, some have argued that good laws can be instructive, strengthening social norms, even morals.⁷

The experience of negative liberty—the absence of external constraints and barriers—is (E and F) a function of both the rules governing social interactions and the written law. Finally, while negative liberty—and in the context of religious liberty, free exercise—is not the only factor facilitating human flourishing, it is (G) one factor (a necessary even if not sufficient one) of well-being, including within societies that value pluralism, order, agency, and other social and individual goods.

RLS examines a portion of the complex legal provisions that safeguard free exercise in a way that upholds negative liberty, taking these as factors contributing to what is labeled (F) in figure 4. Therefore, the Index scores for the fifty states characterize a central element of the overall production of human flourishing through religious (and other) liberties broadly construed. Accordingly, RLS has great potential for enriching the collective understanding of the larger production function by which persons and communities mobilize their resources to the production of human flourishing. We leave to other researchers and projects the task of fleshing out the other relationships implied by the figural model above.

⁷According to Burge-Hendrix (2013, 45), “One of the main concerns of Plato’s legal philosophy is the *educative function* of law and legal systems,” and so much so that “this is a feature of his thought that permeates all his work” (emphasis in original). Additionally, Aristotle provides as a causal mechanism for the relationship labeled D in figure 4, asserting that good laws can provide the “habituation necessary for moral virtue” (Hitz 2012, 265).

Appendix B

Dataset Construction

This appendix describes the procedures of data collection, coding, scoring, and verification for each group, safeguard, and item included in RLS 2022. [Section 2](#) above describes the process of combining item scores into safeguard scores and ultimately into the final RLS index score for each state.

Recall there are six groups (each starting with a blue text box below) and eleven 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 1](#)), to avoid unnecessary repetition the details that follow are as well. We present information at the highest level we can (group, then safeguard, then item), but do not neglect any important detail to the level of each of the twenty-nine 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 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, we 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. Feel free to reference the standard subheadings we provide in each section in order to skip the steps in our process that are less interesting or too pedantic for your uses.

Note for dataset users: Lettered codes differ across the twenty-nine items below, so please reference those carefully if you wish to make use of those data.

Group/Safeguard/Item: Absentee Voting

At times a religious person may find 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 that individual to participate in the 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, although there are current discussions of federalizing elections.¹

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 29, 2021, version of these tables allowed us to find and corroborate our reading of state laws.²

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).

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

¹See, for example, the Freedom to Vote Act, S. 2747, 117th Cong. (2021), introduced in the Senate on September 14, 2021.

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

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

In December 2021, we verified each code with the updated NCSL database and by rereading state statutes. In the cases of disagreements with NCSL, of which there are two, we note the reason in the publicly available dataset. The data for this safeguard were confirmed on December 29, 2021.

Missing Data

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

Group/Safeguard/Item: Childhood Immunization Requirements

In 2022, all states require immunization of school-aged children. This safeguard captures whether or not the state allows for any nonmedical exemptions, whether based on religion or broader philosophical reasons.

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 21, 2021, to identify the relevant laws and get an initial understanding of school immunization requirements and exemptions for each state.³

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 belief, philosophical, or moral beliefs) as an acceptable reason for exemption from childhood immunization

C = State does not allow nonmedical exemption (religious, personal belief, 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., philosophical, personal belief, religious) (A, B)

0 = State makes no nonmedical exemptions (C)

Verifying Data

In December 2021, the scores were verified with the updated NCSL database and state code citations. In the three cases of disagreement with the NCSL we noted the reason for the different codes or scores. This item was verified on December 21, 2021.

Missing Data

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

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) who 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 who 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 who 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).

³The NCSL regularly updates these tables and databases according to changes in state laws.

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 identified by keyword searches. 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

We verified the data and scores for this group of safeguards in December 2021 by rereading each state’s laws again and checking against Sawicki’s data. 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 negative liberty if current federal law establishes or is treated as establishing an affirmative right, as *Roe v. Wade* [1973] and the Affordable Care Act likely did during the time of our data collection.)

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 open-ended 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. The data for these items were confirmed on December 27, 2021.

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

Five 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 two additional states with these provisions.

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

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

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)

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 six 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 Codes

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 religious exemptions beyond those allowed at the federal level 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 until recently maintained a log of state laws and exemptions for various medical procedures and citations for state contraceptive mandates. The version available in December 2021 was updated as of 2018 but 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.

Identifying Codes and Assigning Scores

We read each state's law(s) cited by NARAL and those relevant laws found by keyword searches of each state's code of laws. Codes were assigned 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 who 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 even 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

We verified our scores for this item in December 2021 using KFF’s [“State Requirements for Insurance Coverage of Contraceptives”](#) database (at the time current as of July 1, 2021, but since updated). If our score did not align with KFF, we recorded the reason for the discrepancy along with citations for the reasoning. 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. The data for this item was confirmed on December 28, 2021.

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 both KFF data and NARAL reports.

Group: Marriage & Weddings

Coming into 2022, 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. There are no federal exemptions related to participating in weddings or marriage solemnization.

External Sources

American Marriage Ministries (AMM) maintains a listing 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’s [“Marriage Solemnization: Religious Exemption Statutes”](#) provides a summary table which aims to exhaust all the state marriage solemnization laws as of May 11, 2017.

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 with the purpose of capturing 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 instituting 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

We verified the data and scores for this group of safeguards in December 2021 by rereading each state’s law(s) and completing a careful and general scan through each state’s marriage code. The research team verified who can be married in each state, which entities can solemnize and celebrate those marriages, and the protections provided for those entities. We completed a final check using NCSL’s [“Marriage Solemnization: Religious Exemption Statutes.”](#) Since this table is dated and therefore incomplete, we only used its citations to see that RLS data accounted for all laws existing at that time. The opportunity to explore disagreements with the NCSL data was helpful for final verification. For example, we discovered that California and Nevada were omitted from NCSL as their statutes were more recent than May 2017. The notes for these items, available in the dataset on [religionslibertyinthestates.com](#), include information about unique statutory language in a state’s law and a difference in location of the state’s marriage law (e.g., Nevada’s laws are in its state constitution). The data for this item were confirmed on December 22, 2021.

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 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 apply to few protected classes, some states clearly responded to *Obergefell v. Hodges* (2015) by legislating safeguards for various entities in the areas of marriage and weddings.⁵

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 for Tax-Exempt Indicator

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.

Possible Codes for Broader Penalties Indicator

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

⁵Mississippi 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).

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 Officials 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)

Group/Safeguard/Item: Religious Freedom Restoration Act (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 their state codes were updated to reflect these additions by December 2021. Becket's "[RFRA Info Central](#)" provides a second corroborating source.

Identifying Codes and Assigning Scores

We read each law cited by Church Law & Tax (2020) 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 2022 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

In December 2021, the scores were verified with the Church Law & Tax report, Becket's "[RFRA Info Central](#)," and the state code citations we collected. Becket's database and information confirmed the addition of South Dakota and Montana's RFRA laws from 2021. For the purposes of RLS, we did not count the Utah Religious Land Use Act as RFRA-equivalent. The data for this item were confirmed on December 29, 2021.

Missing Data

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

Glossary

code: A letter representing an array of qualitative characteristics of a state's law, 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 2022, RLS analyzes six groups. The multisafeguard groups are those related to health-care providers and marriage and weddings. The four remaining groups are comprised of single safeguards. The purpose of the group designation is ease of communication (in some tables and figures) but 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 11 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 2022, RLS evaluates twenty-nine 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 2022, RLS considers eleven 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 safeguard (1) or its absence (0).

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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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