

AN ACT relating to the solemnization of marriage.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 402.050 is amended to read as follows:

- (1) Marriage shall be solemnized only by:
 - (a) Ministers of the gospel or priests of any denomination in regular communion with any religious society;
 - (b) Justices and judges of the Court of Justice, retired justices and judges of the Court of Justice except those removed for cause or convicted of a felony, county judges/executive, and such justices of the peace and fiscal court commissioners as the Governor or the county judge/executive authorizes; or
 - (c) A religious society that has no officiating minister or priest and whose usage is to solemnize marriage at the usual place of worship and by consent given in the presence of the society, if either party belongs to the society.
- (2) ***Nothing in this section or the law of the Commonwealth shall be construed to compel a person to solemnize a marriage to which the person holds a sincere religious objection or which is contrary to the person's faith tradition.***
- (3) At least two (2) persons, in addition to the parties and the person solemnizing the marriage, shall be present at every marriage.

➔Section 2. KRS 446.350 is amended to read as follows:

- (1) Government shall not substantially burden a person's freedom of religion. The right to act or refuse to act in a manner motivated by a sincerely held religious belief may not be substantially burdened unless the government proves by clear and convincing evidence that it has a compelling governmental interest in infringing the specific act or refusal to act and has used the least restrictive means to further that interest. A "burden" shall include indirect burdens such as withholding benefits, assessing penalties, or an exclusion from programs or access to facilities.
- (2) ***Solemnizing a marriage to which a person holds a sincere religious objection or***

which is contrary to that person's faith shall be considered a substantial burden for which there is no compelling government interest and that person shall additionally be immune from any civil or criminal liability for declining to solemnize such a marriage.