

* This chart provides a summary of the protections and is not intended to provide legal advice. The specific provisions should be consulted for greater detail.

¹ See Conn. Gen. Stat. §§ 46b-21, 46b-150d (2009); Del. Code Ann. tit. 13, § 106 (West 2012); D.C. Code § 46-406(c) (2010); Hawaii S.B. No. 1 H.D.1 § 572-D (2013); Illinois SB 10, 98th Gen. Assm. Reg. Sess. (a-5)(2013); Md. Code Ann., Note: Fam. Law §§ 2-201, 2-202, 2-406 (2012), 2012 Maryland Laws Ch. 2 (H.B. 438) § 2; Minn. Stat. Ann. § 517.09 (West 2013); N.H. Rev. Stat. Ann. § 457:37 (2011); N.Y. Dom. Rel. Law § 11(1) (McKinney 2011); Vt. Stat. Ann. tit. 18, § 5144(b) (2010); R.I. Gen. Laws Ann. § 15-3-6.1 (West 2013); Wash. Rev. Code § 26.04.010(2)(4) (2012). See also Me. Rev. Stat. tit. 19-A, § 655. See also Cal. Fam. Code § 400 (2013) (“Although marriage is a personal relation arising out of a civil, and not a religious, contract, a marriage may be solemnized by any of the following who is 18 years of age or older: (a) A priest, minister, rabbi, or authorized person of any religious denomination. A person authorized by this subdivision shall not be required to solemnize a marriage that is contrary to the tenets of his or her faith. Any refusal to solemnize a marriage under this subdivision, either by an individual or by a religious denomination, shall not affect the tax-exempt status of any entity.”). **Griego v. Oliver*, 34,306, 2013 WL 6670704 (N.M. Dec. 19, 2013) (“Our holding will not interfere with the religious freedom of religious organizations or clergy because (1) no religious organization will have to change its policies to accommodate same-gender couples, and (2) no religious clergy will be required to solemnize a marriage in contravention of his or her religious beliefs.”).

² See Conn. Gen. Stat. § 46b-150d; D.C. Code § 46-406(e); Hawaii S.B. No. 1 H.D.1 § 572-E (2013); Illinois SB 10, 98th Gen. Assm. Reg. Sess. (a-10)(2013); Md. Code Ann., Note: Fam. Law §§ 2-201, 2-202 (2012), 2012 Maryland Laws Ch. 2 (H.B. 438) § 3; Minn. Stat. Ann. § 363A.26 (West 2013); N.H. Rev. Stat. Ann. § 457:37(III); N.Y. Dom. Rel. Law § 10-b(1); Vt. Stat. Ann. tit. 8, § 4502(1); R.I. Gen. Laws Ann. § 15-3-6.1 (West 2013); Wash. Rev. Code § 26.04.010(2)(5). See also Me. Rev. Stat. tit. 19-A, § 655.

³ See Conn. Gen. Stat. § 46b-150d; Del. Code Ann. tit. 13 § 106; D.C. Code § 46-406(e); Hawaii S.B. No. 1 H.D.1 § 572-D (2013); Illinois SB 10, 98th Gen. Assm. Reg. Sess. (a-5)(2013); Md. Code Ann., Note: FAM. LAW §§ 2-201, 2-202 (2012), 2012 Maryland Laws Ch. 2 (H.B. 438) §§ 2-3; Minn. Stat. Ann. § 517.09 (West 2013); N.H. Rev. Stat. Ann. § 457:37(III); N.Y. Dom. Rel. Law § 10-b(1); R.I. Gen. Laws Ann. § 15-3-6.1 (West 2013); Vt. Stat. Ann. tit. 8, § 4502(1); WASH. REV. CODE § 26.04.010(2)(6). See also Me. Rev. Stat. tit. 19-A, § 655.

⁴ See Conn. Gen. Stat. § 46b-150d; Del. Code Ann. tit. 13 § 106; D.C. Code § 46-406(e)(2); Hawaii S.B. No. 1 H.D.1 § 572-D-E (2013); Illinois SB 10, 98th Gen. Assm. Reg. Sess. (a-10)(2013); Md. Code Ann., Note: Fam. Law §§ 2-201, 2-202 (2012), 2012 Maryland Laws Ch. 2 (H.B. 438) §§ 2-3; Minn. Stat. Ann. § 517.09 (West 2013); N.H. Rev. Stat. Ann. § 457:37(III); N.Y. Dom. Rel. Law § 10-b(1); R.I. Gen. Laws Ann. § 15-3-6.1 (West 2013); Wash. Rev. Code § 26.04.010(2)(4). See also Me. Rev. Stat. tit. 19-A, § 655. See also Cal. Fam. Code § 400(a) (2013) (“Any refusal to solemnize a marriage under this subdivision, either by an individual or by a religious denomination, shall not affect the tax-exempt status of any entity.”).

⁵ See D.C. Code § 46-406(e) (2011)). See also N.H. Rev. Stat. Ann. § 457:37(3) (exempting “the promotion of marriage through religious counseling, programs, courses, retreats, or housing designated for married individuals”); Md. Code Ann., Note: Fam. Law §§ 2-201, 2-202 (2012), 2012 Maryland Laws Ch. 2 (H.B. 438) §§ 2-3. (provided so long as the program receives no government funding); R.I. Gen. Laws Ann. § 15-3-6.1 (West 2013) (exempting the “promotion of marriage through any social or religious programs or service”); Wash. Rev. Code § 26.04.010(7)(a)(ii).

. New York may protect this. See also N.Y. Dom. Rel. Law § 10-b (2) (“... nothing in this article shall limit or diminish the right, ... of any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization ... from taking such action as is calculated by such organization to promote the religious principles for which it is established or maintained”).

⁶ See Conn. Pub. Acts No. 09-13 § 19); See Md. Code Ann., Note: Fam. Law §§ 2-201, 2-202 (2012); Minn. Stat. Ann. § 517.201 (West); R.I. Gen. Laws Ann. § 15-3-6.1(c)(2). All require that the organization “does not receive state or federal funds.”

⁷ See Vt. Stat. Ann. tit. 8 § 4501(b); N.H. Rev. Stat. Ann. § 457:37(IV) (2009); Md. Code Ann., Note: Fam. Law §§ 2-201, 2-202, Note: Md. Ins. Law § 8-402 (2012); 2012 Maryland Laws Ch. 2 (H.B. 438) § 4; R.I. Gen. Laws Ann. § 15-3-6.1(e).

⁸ See N.H. Rev. Stat. Ann. § 457:37(3). See also N.Y. Dom. Rel. Law § 10-b (2) (“... [N]othing in this article shall limit or diminish the right, ... of any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization to limit employment or sales or rental of housing accommodations or admission to or give preference to persons of the same religion or denomination...”); Minn. Stat. Ann. § 363A.26 (West 2013)(providing that religious organization are not prohibited from “in matters relating to sexual orientation, taking any action with respect to ... housing and real property). See also N.M. Stat. Ann. § 28-1-9 (West) (B. bar any religious or denominational institution or organization that is operated, supervised or controlled by or that is operated in connection with a religious or denominational organization from limiting admission to or giving preference to persons of the same religion or denomination or from making selections of buyers, lessees or tenants as are calculated by the organization or denomination to promote the religious or denominational principles for which it is established or maintained, unless membership in the religious or denominational organization is restricted on account of race, color, national origin or ancestry; C. bar any religious or denominational institution or organization that is operated, supervised or controlled by or that is operated in connection with a religious or denominational organization from imposing discriminatory employment or renting practices that are based upon sexual orientation or gender identity; provided, that the provisions of the Human Rights Act with respect to sexual orientation and gender identity shall apply to any other:(1) for-profit activities of a religious or denominational institution or religious organization subject to the provisions of Section 511(a) of the Internal Revenue Code of 1986, as amended; or(2) nonprofit activities of a religious or denominational institution or religious organization subject to the provisions of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended[.]”).

⁹ Del. Code Ann. tit. 13 § 106 (“nothing in this section shall be construed to require any person (including any clergy person or minister of any religion) authorized to solemnize a marriage to solemnize any marriage, and no such authorized person who fails or refuses for any reason to solemnize a marriage shall be subject to any fine or other penalty for such failure or refusal.”)

¹⁰ See N.H. Rev. Stat. Ann. § 457:37 (“Nothing in this chapter shall be deemed or construed to limit the protections and exemptions provided to religious organizations under RSA 354-A:18.”); SF 925, 85th Legis. Reg. Sess. (Minn. 2013) (“This chapter does not alter or affect the protections or exemptions provided in chapter 363A for a religious association, educational institution, business, labor union, place of public accommodation, employer, or other person.”); SB 10, 98th Gen. Assm. Reg. Sess. (2013) (“Nothing in this Act...is it intended to abrogate, limit, or expand the Illinois Human Rights Act or the Religious Freedom Restoration Act.”). A catch-all provision in Delaware provides that the same-sex marriage law “does not affect rights, duties or obligations that matured or were owed, penalties that were incurred, or proceedings that were begun, before its effective date.” Delaware Laws Ch. 19 (H.B. 75 2013). 3. N.Y. Dom. Rel. Law § 10-b. (“Nothing in

this section shall be deemed or construed to limit the protections and exemptions otherwise provided to religious organizations under section three of article one of the constitution of the state of New York.”); R.I. Gen. Laws Ann. § 15-3-6.1 “Nothing in the marriage laws of this state shall be deemed or construed to limit the protections and exemptions provided to religious organizations under GL paragraph 28-5-6(7)(ii) and subsection 34-37-4.2(a)”). * See also *In re Marriage Cases*, 43 Cal. 4th 757, 784, 183 P.3d 384, 401 (2008) ([a]ffording same-sex couples the opportunity to obtain the designation of marriage will not impinge upon the religious freedom of any religious *855 organization, official, or any other person; no religion will be **452 required to change its religious policies or practices with regard to same-sex couples, and no religious officiant will be required to solemnize a marriage in contravention of his or her religious beliefs. (Cal. Const., art. I, § 4.”); *Griego v. Oliver*, 34,306, 2013 WL 6670704 (N.M. Dec. 19, 2013) (“Our holding will not interfere with the religious freedom of religious organizations or clergy because (1) no religious organization will have to change its policies to accommodate same-gender couples, and (2) no religious clergy will be required to solemnize a marriage in contravention of his or her religious beliefs. See NMSA 1978, § 28–1–9(B) & (C) (describing exemption of religious organizations from the New Mexico Human Rights Act).”)

¹¹ Connecticut passed legislation on the heels of a judicial decision requiring same-sex marriage. See *Kerrigan v. Commissioner of Public Health*, 289 Conn. 135, 957 A.2d 407(2008).

¹² *Bishop v. US* Case No. No. 04-CV-848-TCK-TLW (Jan 14, 2014) (permanently enjoining Oklahoma’s constitutional same-sex marriage ban because it “violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution by precluding same-sex couples from receiving an Oklahoma marriage license.”). The court stayed execution of the permanent injunction pending any appeals in the Tenth Circuit. *Id.* at 67.

¹³ *Kitchen v. Herbert* Case No. 2:13-cv-217 (Dec. 20, 2013) (“Although the State did not directly present an argument based on religious freedom, the court notes that its decision does not mandate any change for religious institutions, which may continue to express their own moral viewpoints and define their own traditions about marriage. If anything, the recognition of same-sex marriage expands religious freedom because some churches that have congregations in Utah desire to perform same-sex wedding ceremonies but are currently unable to do so. . . . By recognizing the right to marry a partner of the same sex, the State allows these groups the freedom to practice their religious beliefs without mandating that other groups must adopt similar practices.”). On January 6, 2014, the Supreme Court for the United States stayed the district court’s decision. See Order in Pending Case *Herbert v. Kitchen* case No. 2:13-cv-217 (Jan. 6, 2014) 13A687 available at: http://sblog.s3.amazonaws.com/wp-content/uploads/2014/01/13A687_Herber_v_Kitchen_Order1.pdf. Hundreds of same-sex couples married in Utah during the 17 days between the initial decision and the stay. See Robert Barnes, *Supreme Court halts same-sex marriages in Utah pending appeal*, WASHINGTON POST (Jan. 6, 2014) available at: http://www.washingtonpost.com/politics/supreme-court-halts-same-sex-marriages-in-utah-pending-appeal/2014/01/06/b1af9794-76e9-11e3-b1c5-739e63e9c9a7_story.html.