AN ACT TO ENACT THE MISSISSIPPI RELIGIOUS FREEDOM RESTORATION ACT; TO PROVIDE THAT STATE ACTION OR AN ACTION BY ANY PERSON BASED ON STATE ACTION SHALL NOT BURDEN A PERSON'S RIGHT TO THE EXERCISE OF RELIGION; TO AMEND THE 1818 MISSISSIPPI LAWS, ACT OF JANUARY 19, 1818, PAGE 142, TO REVISE THE GREAT SEAL OF THE STATE OF MISSISSIPPI; TO PROVIDE THAT STATE AGENCIES SHALL CONTINUE TO USE STATIONERY AND OTHER SUPPLIES HAVING THE 1818 SEAL THEREON UNTIL SUPPLIES OF SUCH ITEMS ARE DEPLETED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) This act shall be known and may be cited as the Mississippi Religious Freedom Restoration Act.

(2) As used in this act:

(a) "Burden" means any action that directly or indirectly constrains, inhibits, curtails or denies the exercise of religion by any person or compels any action contrary to a person's exercise of religion. "Burden" includes, but is not limited to, withholding benefits, assessing criminal, civil or administrative penalties or exclusion from governmental programs or access to governmental facilities.
(b) "Compelling governmental interest" means a government interest of the highest magnitude that cannot otherwise be achieved without burdening the exercise of religion.

(c) "Exercise of religion" means the practice or observance of religion. "Exercise of religion" includes, but is not limited to, the ability to act or the refusal to act in a manner that is substantially motivated by one's sincerely held religious belief, whether or not the exercise is compulsory or central to a larger system of religious belief.

(d) "State action" means the implementation or application of any law, including, but not limited to, state and local laws, ordinances, rules, regulations and policies, whether statutory or otherwise, or any other action by the state, a political subdivision of the state, an instrumentality of the state or political subdivision of the state, or a public official that is authorized by law in the state.

(3) (a) State action or an action by any person based on state action shall not burden a person's right to exercise of religion, even if the burden results from a rule of general applicability, unless it is demonstrated that applying the burden to that person's exercise of religion in that particular instance is both of the following:

(i) Essential to further a compelling governmental interest;
(ii) The least restrictive means of furthering that compelling governmental interest.

(b) A person whose exercise of religion has been burdened or is likely to be burdened in violation of this section may assert that violation or impending violation as a claim or defense in a judicial proceeding, regardless of whether the state or a political subdivision of the state is a party to the proceeding. The person asserting that claim or defense may obtain appropriate relief, including relief against the state or a political subdivision of the state. Appropriate relief includes, but is not limited to, injunctive relief, declaratory relief, compensatory damages, and the recovery of costs and reasonable attorney's fees.

SECTION 2. The 1818 Mississippi Laws, Act of January 19, 1818, Page 142, is amended as follows:

Section 1. Be it enacted by the Senate and the House of Representatives of the State of Mississippi in General Assembly convened, That it shall be the duty of the Secretary of State to procure the seal of this state, the inscription of which shall be, "THE GREAT SEAL OF THE STATE OF MISSISSIPPI," around the margin, and in the center an eagle, with the olive branch and quiver of arrows in his claws and below the eagle in the margin shall be the phrase "IN GOD WE TRUST."

Section 2. And be it further enacted, That it shall be the duty of the clerk of each superior court within this state, to
procure, at the county expense, a seal for the use of their respective counties, with the name of the county around the margin, and in the center an eagle.

**SECTION 3.** All state agencies shall continue to use stationery and other supplies having the great seal of 1818 thereon until such stationary and other supplies are depleted. The great seal of 1818 affixed on any public buildings or other property shall remain thereon until the replacement of the seal due to normal wear.

**SECTION 4.** This act shall take effect and be in force from and after July 1, 2014.