



# The facts on Arizona's SB 1062

## What would this bill do if enacted?

- It would allow anyone to assert a legal claim or defense of free exercise of religion in a legal proceeding, regardless of whether the government is a party to the proceeding.
- It would allow private individuals and corporations to assert religious beliefs in a way that could lead to discrimination against gay and lesbian, and other, Arizonans. This bill could embolden people to discriminate against anyone who doesn't share their beliefs or religious practices.
- If SB 1062 were enacted, employers could impose their religious beliefs on employees and businesses could refuse to serve customers despite state and local laws requiring public accommodations—like restaurants and hotels—to serve all people. (Note: Arizona does not have a statewide public accommodations law prohibiting discrimination against LGBT people.)
  - EXAMPLE: Under this bill, the managing partners of a law firm could determine that their firm has a religious platform that prohibits women from working outside the home. The proponents of this bill would say, "Well, there are other law firms where the firm's female employees can work if they don't like this policy."
- If this bill becomes law, an employee of a private company would be able to sue his or her employer, saying that the employer violated the employee's religious belief.
  - EXAMPLE: A waiter refuses to serve a same-sex couple, claiming it is against his/her religious belief to do so. The waiter is fired for violating the restaurant's policy against discrimination (or violating a city ordinance—more on that below). If SB 1062 becomes law, the waiter could sue his/her employer, claiming the employer is violated the waiter's religious belief.

## Would anything really change if SB 1062 were signed by Gov. Brewer?

- Yes. The proponents of the bill wouldn't be aggressively pushing this law if they thought it wouldn't change the legal landscape. Religious freedom is a shield intended to protect a person's own rights. It is not a sword to be used to discriminate against others. This legislation turns our personal religious freedom on its head, making it a tool of oppression.

- In addition to inviting discrimination, this law would bring about an unprecedented change by allowing private individuals/businesses to sue other private individuals/businesses using religious freedom as a cause of action. This would put private businesses in the position of defending the government's interest in enforcement of government policies.
- This bill would give for-profit businesses, or basically anyone, the right to argue that they don't have to follow the law—including basic civil rights laws related to employment, housing, reproductive rights and public accommodations.
- Discrimination is bad for Arizona, and that's why [a majority of Republicans](#), the [Arizona Chamber of Commerce](#), the Phoenix Chamber of Commerce, and [numerous corporations](#) have all urged the governor to oppose SB 1062.

### Could this law be used against groups other than LGBT people?

- Yes. This law is so broad that it could be used to discriminate against nearly anyone—including racial minorities, pregnant women and people of all religions.

### What would this bill mean for city ordinances?

- This bill would allow someone to voice a religious objection to a nondiscrimination ordinance. It explicitly allows businesses to object to local ordinances based on religious grounds. (Note: Phoenix, Tucson and Flagstaff have public accommodations and employment nondiscrimination ordinances that include sexual orientation.)
  - EXAMPLE: Phoenix has an ordinance that prohibits employers in the city from firing or refusing service to someone based on their sexual orientation or gender identity. SB 1062 would let a business owner argue they can override that ordinance and fire or refuse service to an LGBT person.

### But doesn't the ACLU value religious freedom?

- [Of course. Freedom of religion is a cornerstone of our country and the ACLU works every day to protect people's right to religious liberty.](#) But existing federal and state laws, including the U.S. and Arizona Constitutions, provide important safeguards for the free exercise of religion. Our current laws allow people to follow their religious tenets without infringing on other peoples' rights.
- We have the right to a government that neither promotes nor disparages religion generally, nor any faith, in particular. We have the absolute right to believe whatever we want about God, faith, and religion. We have the right to act on our religious beliefs, unless those actions harm others.