

Oklahoma's Recent Anti-LGBTQ Measures: SB 1140 and SB 197

OVERVIEW

March 15, 2018—By a vote of 35-9, the Oklahoma State Senate yesterday passed Senate Bill 1140 (OK SB 1140), authored by the Senate Majority Floor Leader, Greg Treat (R-Oklahoma City). It is now headed to the Oklahoma State House of Representatives. **The bill's text and intent** will allow any private child placement agency to refuse to "participate in any placement of a child for foster care or adoption when the proposed placement would violate the agency's written religious or moral convictions or policies."

Under the guise of protecting religious liberty, SB 1140 is another attempt at writing legal discrimination into law, at the expense of robbing children in need of loving families. It will potentially restrict them from being placed not only in LGBTQ homes, but the homes of single parents, those that have divergent religious faith traditions, or other differences to which an agency owner might object.

If SB 1140 wasn't bad enough, the Oklahoma Senate is also considering OK SB 197, which is a First Amendment Defense Act (FADA) type bill that is very similar **to Mississippi's HB 1523, which O&E has written about previously**. In this case, OK SB 197, also known as the "Oklahoma Right of Conscience Act," would allow individuals, for-profit corporations, government contractors, and even government agencies and officials to refuse to serve their fellow Oklahomans if doing so would be contrary to their "sincerely held religious beliefs or conscience...regarding marriage, lifestyle, or behavior." Again, another bill that would be a codified license to discriminate.

OK SB 197 passed out of the Oklahoma Senate Judiciary Committee at the end of 2017—reportedly without debate—and appears poised to be headed to the Senate floor for a full vote this week. If OK SB 197 passes, it will rank alongside **MS HB 1523** as one the most anti-LGBTQ laws in the country.

WHY THESE BILLS MATTER

Just this week, on March 11, 2018, the U.S. Sixth Circuit Court of Appeals ruled that Title VII of the Civil Rights Act of 1964 extends employee workplace protections to transgender workers from discrimination. It did so while specifically recognizing and reaffirming the Constitutional protection of religious freedom, but asserting that it cannot exceed the concern of employee discrimination. These bills in the Oklahoma State Senate, OK SB 1140 and OK SB 197, fly in the face of what the U.S. Federal court—only days ago—ruled affirmatively for. We cannot have two standards when it comes to the rule of law.

WHAT YOUR COMPANY NEEDS TO KNOW

When businesses step into the fight against LGBTQ discrimination, it makes a difference. Take for example what happened in North Carolina, when the state faced an incredible **backlash from businesses** when it enacted HB2, the notorious bathroom bill known for its vehemence against the transgender community. Ultimately, the strong stance taken by companies like yours, influenced the direction and eventual repeal of the bill.

WHAT YOUR COMPANY CAN DO

If your organization or company is headquartered in, has employees, suppliers, clients, and/or customers in Oklahoma, please consider actively working to help stop these laws from taking effect. You can join forces with other businesses to sign letters to the lawmakers, work with the local chamber of commerce, and leverage your connections in and to the state of Oklahoma to express your concerns about the harm these bills pose to businesses, employees, and their families. Helpful actions include:

- Making public statements in opposition to OK SB 1140 and OK SB 197
- Placing calls directly to Senator Greg Treat's office on the child welfare bill, SB 1140. (As the bill's author, Senator Treat needs to hear how these types of bills are discriminatory, bad for business, and bad for the state.)
- Continue to register your opposition by making additional calls to other Senators and the Oklahoma House Members who will now consider the bill.

WHO YOU SHOULD ENGAGE AT YOUR COMPANY

- Senior Leadership
- HR
- Employee/Business Resource Groups
- D&I
- Legal