

It is the policy of the State of _____ to protect constitutional liberties including freedom of trade and commerce, freedom of religion, and the right of free speech, assembly, petition, and protest against unwarranted restrictions.

The State of _____ finds that numerous individual liberty rights secured by the United States Constitution and the _____ Constitution have been unnecessarily and oppressively infringed by certain COVID-19 restrictions and emergency measures.

The State of _____ finds that the risks to individual liberty, freedom of speech, religious freedom, commerce, and individual autonomy and self-actualization outweigh the risks presented by the COVID-19 pandemic when individuals are unnecessarily and oppressively restricted from exercising protected liberty interests.

WHEREFORE, the State of _____ hereby prohibits all governmental entities, business affiliations, and public and private companies from interfering with individual liberty rights to practice religion, engage in commerce, and exercise the right of expression through speech, assembly, petition, and protest on account of risks presented by the COVID-19 pandemic and further prohibits discrimination against any person for exercising the aforementioned rights or any other right secured by the United States Constitution or the _____ Constitution on account of risks presented by the COVID-19 pandemic.

1. Definitions.

(a) "Governmental entity" means any unit of state or local government including, but not limited to, the governor, state agencies, counties, cities, towns, political subdivisions, boards, departments, commissions, and special districts and includes all agents, contractors, and employees of any government entity.

(b) "Business affiliation" means any company contracting with or doing business with the State of _____ or a government entity or receiving public funds through any means including contracts, grants, loans, or other disbursements of taxpayer money from the State of _____ or a government entity and includes all agents, contractors, and employees of any company.

(c) "Company" means any corporation, limited liability corporation, nonprofit corporation, partnership, limited partnership, limited liability partnership, business trust, joint venture, domestic or foreign sole proprietorship, other domestic or foreign entity or business association, or any other business organization and includes any subsidiary or parent company of any business organization. "Company" includes private schools and universities and all other forms of business organizations.

(d) "Discrimination" means a government entity, business affiliation, or any other public or private company subjecting a person to refusal to hire, failure to promote, reassignment with significantly different responsibilities, reduction in pay, significant change in benefits, or employment termination and also means refusal to allow any person to enter or patronize any establishment or business organization subject to this section on the basis of such person's exercise of constitutionally protected rights notwithstanding the COVID-19 pandemic.

(e) “Direct threat” means a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. The determination that an individual poses a direct threat shall be based on an individualized assessment of the individual’s present ability to safely perform the essential functions of the job. This assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include: (1) The duration of the risk; (2) The nature and severity of the potential harm; (3) The likelihood that the potential harm will occur; and (4) The imminence of the potential harm.

2. Applicability.

(a) The State of _____, all of its government entities and business affiliations, and all public and private companies may not restrict any person from exercising liberty rights secured by the United States Constitution or _____ Constitution, including but not limited to the right to practice religion, engage in commerce, and exercise the First Amendment right of expression through speech, assembly, petition, and protest on account of risks presented by the COVID-19 pandemic.

(b) The State of _____, all of its government entities and business affiliations, and all public and private companies may not discriminate against any person for exercising the aforementioned constitutional rights or any other liberty right secured by the United States Constitution or _____ Constitution on account of risks presented by the COVID-19 pandemic.

(c) The State of _____ and all of its government entities may not enter into a contract or give a loan, grant, or any other disbursement of taxpayer money to a business affiliation that restricts any person from exercising the aforementioned constitutional rights or any other liberty right secured by the United States Constitution or _____ Constitution on account of risks presented by the COVID-19 pandemic.

(d) A business affiliation that violates this section materially breaches its contract with the State of _____ or government entity, rendering the contract voidable by the State of _____ or government entity.

(e) A public or private company that violates this section is subject to revocation of its accreditation, licenses, permits, and all other government authority to operate.

3. Exemption. Nothing in this section is intended to alter valid restrictions of activities relative to persons whose activities pose a direct threat to others where the direct threat cannot be eliminated or reduced by reasonable accommodation.

4. Construction and severability. The provisions of this section shall be construed liberally to accomplish the policies expressed herein. The provisions of this section are severable. If any provision of this section or the application thereof is held invalid, the invalidity does not affect other provisions or applications of the section, which remain enforceable.

5. Effective date. This law is effective immediately upon its passage.

