

## The Church is Essential Act (HB 218)- Rep. Baker (R-Somerset)

### Why is this needed?

- On March 6, 2020, Governor Andy Beshear signed an executive order banning all in-person mass gatherings that included “faith-based” groups, declaring them as being non-essential while allowing abortion centers, liquor stores and gambling centers to remain open deeming them as essential.
  - A federal court overturned Governor Beshear’s order on May 8<sup>th</sup> as being unconstitutional. Most recently Governor Beshear closed religious schools as a continued attack of the First Amendment of the US Constitution and the Kentucky Religious Freedom Restoration Act in 2013.
  - Clearly, new legislation is needed to clarify and restrain the powers of government during a state of emergency and otherwise.
  - “If beer is ‘essential’, so is Easter.” Federal Judge Justin Walker wrote in his decision to grant a temporary restraining order against Louisville Mayor Greg Fischer. The order was a response to Fischer’s ban on drive-in church services.<sup>i</sup>

### Churches are essential to mental and emotional health?

- The CDC reported that 40% of US adults struggled with mental health and/or substance abuse during the COVID-19 shutdowns.<sup>ii</sup>
  - 31% reported anxiety or depression symptoms.
  - 13% started or increased substance abuse.
  - 26% reported trauma or stress-related disorder symptoms
  - And 11% say they seriously considered suicide.
- At the end of March, Louisville-based Seven County Services estimated a 20% increase in suicide hotline calls.<sup>iii</sup>
- Louisville saw an 80% increase in homicides in 2020 from 2019.<sup>iv</sup>

### Who was allowed to remain open?

- Casino-style gambling venues
- Liquor stores
- Shopping malls
- Home improvement stores

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## **The Constitution Protects Religious Liberty.**

- The Founding Fathers of our nation understood the importance of a free church devoid of governmental control primarily due to what their forbears had fled in England.
- Churches and other houses of worship are afforded certain protections by both the Constitution of the United States and the Constitution of the Commonwealth of Kentucky. Retail outlets and grocery stores are not afforded these protections yet remained open while churches closed.
- The First Amendment of the US Constitution states, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...”
- The Kentucky Constitution in the Kentucky Bill of Rights says in Section 5, “No human authority shall, in any case whatever, control or interfere with the rights of conscience.”

## **Kentucky law amplifies the importance of religious freedom.**

- The Religious Freedom Restoration Act in 2013 says that the “government shall not substantially burden a person’s freedom of religion.”
- If there is another way to carry out a compelling government interest, it must be done in the “least restrictive means to further that interest.”<sup>v</sup>

“The liberty enjoyed by the people of these States of worshipping Almighty God, agreeable to their consciences, is not only among the choicest of their blessings but also of their rights.” ----George Washington

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<sup>i</sup> <https://bloximages.newyork1.vip.townnews.com/wdrb.com/content/tncms/assets/v3/editorial/9/e9/9e98e10a-7c29-11ea-af20-dbf9b436218/5e9218c98afd6.pdf>

<sup>ii</sup> <https://www.wymt.com/2020/12/04/study-reveals-increase-in-suicide-rates/>

<sup>iii</sup> <https://www.courier-journal.com/story/news/2020/03/23/coronavirus-drivings-up-calls-suicide-hotline-prevention-centers/2899316001/>

<sup>iv</sup> <https://www.whas11.com/article/news/crime/louisville-homicide-rate-deaths-police-shootings/417-94302e6d-3806-4faf-82c1-e425a9854f64>

<sup>v</sup> <http://www.lrc.ky.gov/record/13rs/hb279.htm>