

The Do No Harm Act

The Religious Freedom Restoration Act is a federal law that was originally intended to protect the constitutional rights of religious minorities. However, in recent years, it has been turned on its head and misused as a way to discriminate against others under the guise of religious freedom. **The Do No Harm Act (H.R. 1378)** preserves the original intent of the Religious Freedom Restoration Act (RFRA) while amending it to clarify that it cannot be used to discriminate against or harm other people.

The Do No Harm Act would restore RFRA's intended purpose by ensuring that it cannot be used to erode access to health care and civil rights and nondiscrimination protections. RFRA was intended to be a protective shield for religious minorities, not a tool for discrimination. Despite this intent, RFRA has been misused to deny access to health care and attack reproductive freedom and undermine civil rights and nondiscrimination laws. For example, in *Burwell v. Hobby Lobby Stores*, the Supreme Court allowed some for-profit corporations to use RFRA to undermine the Affordable Care Act's birth control benefit by allowing employers to deny their employees access to contraception. RFRA should never be used to exempt anyone from laws that protect other people's basic rights and freedoms. The Do No Harm Act would stop this misuse of the law.

The Do No Harm Act is an essential safeguard that would clarify that RFRA cannot be used to discriminate, undermine access to health care, or otherwise harm others. Specifically, this bill would limit the application of RFRA in areas of the law that protect critically important rights and freedoms, including:

- Nondiscrimination laws and laws that promote equity, including the Civil Rights Act of 1964, the Americans with Disabilities Act, the Family Medical Leave Act, and the Violence Against Women Act;
- Employment laws governing wages and collective bargaining;
- Protections against child labor, abuse, or exploitation;
- Access to, information about, referrals for, provision of, or coverage for health care services;
- Services provided by the government or through a government grant or contract.

Right now, RFRA is misused to deny access to care and allow discrimination against LGBTQ+ people, women, religious minorities, and many others. Congress must pass the Do No Harm Act and stop harmful, bad-faith interpretations of RFRA that seek to allow discrimination and deny access to care.