

Utah Passes Antidiscrimination Bill Backed by Mormon Leaders

By Laurie Goodstein

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With the backing of Mormon church leaders, the Republican-dominated Utah Legislature passed a bill on Wednesday night that would ban discrimination against lesbian, gay, bisexual and transgender people in housing and employment, while also protecting religious institutions that object to homosexuality.

The legislation, known as “the Utah compromise,” has been hailed by Mormon leaders and gay rights advocates as a breakthrough in balancing rights and religious freedom, and as a model for other conservative states. But leaders of some other churches oppose it, saying it would not sufficiently protect the rights of individuals who have religious objections to homosexuality.

The vote was an extraordinary moment for the Church of Jesus Christ of Latter-day Saints, which is opposed to same-sex marriage, but sent two of its leading apostles to a news conference on Capitol Hill in Salt Lake City last week to endorse the anti-discrimination bill. Legislators and gay rights advocates said having the blessing of the church leaders turned the tide in the Legislature, where most members are Mormons.

“The apostles of this faith, which is the predominant faith here in Utah, stepped forward and expressed an earnest and sincere desire to come together,” said Representative Gregory H. Hughes, a Republican and the speaker of the Utah House. “We had not heard that before, and we had not heard that with such specificity, and we took notice.”

The bill would ban employers and landlords or property owners from discriminating against people on the basis of sexual orientation and gender identity, adding those categories to Utah’s laws that already protect against discrimination on the basis of race, sex and age.

Religious organizations and their affiliates, such as colleges and charities, would be exempted. It also would exempt the Boy Scouts of America, which voted in 2013 to end a ban on gay scouts but still prohibits gay scout leaders. The bill also would protect employees from being fired for talking about religious or moral beliefs, as long as the speech was reasonable and not harassing or disruptive.

The legislation passed the Utah House on a vote of 65 to 10, after passing the Senate last week, 23 to 5.

“It is a landmark,” said Sarah Warbelow, legal director of the Human Rights Campaign, a national gay rights organization. “This is a Republican-controlled Legislature with a Republican governor, and this will be the first time that a Republican-controlled process has led to extension of protections for L.G.B.T. people.”

Senator Jim Dabakis, a Democrat from Salt Lake City who is openly gay, said it had taken seven years and a lot of dialogue to pass the legislation. After 2008, when the Mormon church helped pass Proposition 8 in California, which banned same-sex marriage, the church and gay advocates were “at war.”

“There was a hostility and a bitterness and a disdain and a disrespect for each other, and we have gotten through that,” Mr. Dabakis said. “Getting this bill isn’t just getting this piece of paper. It’s about changing the culture in Utah so we can have all these bedrock values we all believe in: respect, civility and understanding each others’ perspective.”

The bill, however, does not address what has become one of the most divisive questions on gay rights nationwide: whether individual business owners, based on their religious beliefs, can refuse service to gay people or gay couples — for example, a baker who refuses to make a cake for a gay wedding.

The Utah House also passed a second bill late Wednesday that would allow county clerks to opt out of solemnizing a marriage because of religious objections, but requires counties to make a substitute available during business hours for all couples — even same-sex couples — who wish to get married. The vote was 66 to 9. The bill also prohibits the government from requiring religious organizations and officials to solemnize or provide services for marriages they object to for religious reasons. Some gay rights leaders regard this second bill, which awaits a vote by the Utah Senate, as a dangerous concession that undermines the more inclusive spirit of the anti-discrimination bill.

Governor Gary Herbert is expected to sign the anti-discrimination bill on Thursday night in the Capitol rotunda in Salt Lake City, his office said.

Russell Moore, the president of the Ethics and Religious Liberty Commission of the Southern Baptist Convention, said that for months he had tried to convince Mormon leaders that supporting anti-discrimination legislation “is not the right strategy.”

The Southern Baptist Convention and Roman Catholic bishops have been close allies with Mormon leaders in fighting to protect religious believers who object to same-sex marriage. But Dr. Moore said his church and the Catholic bishops have parted company with Mormon leaders over the Utah legislation.

“Christians and other religious people working in the marketplace are not really addressed in terms of their freedom of conscience,” Dr. Moore said. “I don’t think this will be a model.”

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