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Navigating Customer Discrimination Law for "Christian Owned and Operated" Businesses

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Abstract

This article is the third in a series on legal challenges particular to Christian owned and operated businesses. According to official directories, there are over 60,000 businesses in the United States that lay open claim to the title "Christian owned and operated". Making this sort of faith statement is protected by law in the United States but can result in legal challenges. For instance, when such businesses attempt to put their religious beliefs into practice by discriminating regarding which customers they serve and under what conditions, they could be violating public accommodation laws. There is a dialectic legal tension between freedom of religious expression, guaranteed by the First Amendment and Title VII of the Civil Rights Act, and protections against discrimination in the provision of goods and services, guaranteed by Title II. Unfortunately, the intersection of these rights is ill-defined and unclear, and often dependent on latent variables like jurisdiction. When these statutory arenas collide, it has resulted in dramatic court cases that become media events. Amped up by activists on both sides, this coverage has elevated public consciousness of the issues but has done little to guide religious business leaders, who need pragmatic policy advice. This study attempts to help fill this knowledge gap through a systematic literature review that synthesizes legal requirements and lessons learned from the latest academic literature, case law, and industry publications. After a primer on the relevant law, this article uses specific cases as illustrations to illuminate the boundaries between free religious expression, prohibited customer discrimination, and the large, dangerous middle zone that can lead to painful lawsuits.

Keywords

Title II, Religion in Business, Discrimination Law, Religious Freedom, Public Accommodation, Business Ethics

1. Introduction

It would be easy to make a naively courageous mistake. Frenzied media attention on customer discrimination cases has stoked fear among Christian business owners, while offering little practical guidance for how they can live out their faith without running afoul of the law. Both mainstream and Christian media outlets have spotlighted cases where businesses have refused their services on religious grounds. The coverage has often emphasized the high stakes and legal peril for the owners, fueling anxiety among Christian entrepreneurs (Alliance Defending Freedom, 2018). For example, when Barronelle Stutzman was sued for declining to provide flowers for a wedding involving a particular couple, Fox News reported she was fined and "at risk of not only losing her business but also losing her life savings and personal retirement assets" (Smith, 2016: para. 5). Stutzman, a 70-year-old grandmother, warned, "we should all be very scared" (Chung, 2017: para. 4). Such language amplifies the perception that Christian business owners are one misstep away from being sued or shut down.

When business owners win these cases, the Christian community erupts in celebration, intensified by faith-based media. But these cases are legally complex, and the rulings are often more limited than this coverage may suggest. When Jack Phillips, a baker in Colorado who had refused to make a cake for a particular wedding, won his case in the Supreme Court in 2018, "religious freedom groups cheered" (CNA, 2018: para. 1). Jim Daly, president of Focus on the Family, declared the ruling was vindication that "no one should be forced to violate their faith in order to earn a living" (Shellnut, 2018: para. 5). Such sweeping declarations, widely circulated in Christian media, helped frame the decision as a sweeping exoneration, even though its actual legal impact was limited. The case did not establish any new rights for business owners to refuse service. It had been won based on a specific finding regarding how the Colorado civil rights commission had mishandled the case. It offered effectively no new precedents or information, carefully avoiding the bigger question of when business owners can refuse services due to religious objections (Epps, 2018).

At best, the media hype has given limited practical advice to Christian business leaders. At worst, the disconnect between the public narrative and legal reality has caused confusion, which could lead to costly misunderstandings (CPR, 2018). This article attempts to address this gap by offering education and guidance for Christian-owned businesses. It aims to help Christian business owners understand their obligations under Title II of the Civil Rights Act of 1964, their legal risks, and strategies that could be employed to help them remain safely compliant with the law, while also taking full advantage of their rights to religious expression. The article is designed to help align faith-based business practice with anti-discrimination law.

Methodology

This article is based on an intensive literature review that initially encompassed thousands of sources. An iterative search was conducted in scholarly and legal databases, including HeinOnline's Law Journal Library, EBSCO's Business Source Complete, LexisNexis, and ProQuest's ABI/Inform database. In some instances, ChatGPT was utilized to help identify relevant popular sources, such as news articles. Search terms included "customer" and "religious discrimination", "Title II" and "religious discrimination", "service discrimination" and "religion", and numerous other combinations and variations.

The search's scope was limited to public accommodation law (Title II), as opposed to employment law (Title VII), which was the subject of a previous article (see Kendall & Johnston, 2023). Title VII has been a much more popular topic for scholars. Identified references were screened first by relevance, and then by quality and reliability. Only sources that directly addressed public accommodation law, religious freedom, customer discrimination, or related business implications were included. The overwhelming focus of academic scholarship on customer discrimination Title II issues focused on racism. Second in popularity was gender discrimination. Searches on customer discrimination were as likely to return scholarship on discrimination by customers as on customers.

Priority was given to peer-reviewed works and legal sources that showed rigor and credibility. Given the fast-changing nature of the legal landscape, strong preference was given to sources produced in the last five years, but especially illustrative cases and seminal works have also been included. Approximately 200 sources were retained. Once the sources were curated, they were analyzed through thematic analysis. Findings were grouped according to recurring legal issues, jurisdictional variations, case outcomes, and practical implications. This led to a synthesis across statutory law, case law, and scholarly commentary.

This article begins by introducing the legal framework of public accommodation laws, focusing on the history and composition of Title II of the Civil Rights Act of 1964. Title II is distinguished from other relevant discrimination laws, such as the Religious Freedom Restoration Act and Section 1981 of the Civil Rights Act of 1866. Common legal challenges faced by Christian-owned businesses are reviewed, highlighting key court cases. A series of legal strategies are then proffered in response to these challenges. The important role of local legal context is presented. The article concludes with practical recommendations for Christian-owned businesses. In doing so, the article's goal is to equip Christian business owners with the knowledge they need to avoid costly legal mistakes while faithfully navigating today's complex public accommodation landscape.

2. Title II of the Civil Rights Act: A Legal Framework

Most modern cases of customer discrimination in the United States revolve around Title II of the Civil Rights Act of 1964. Title II opens by simply stating, "All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin" (Civil Rights Act, 1964). Within these simple words, however, there are many nuances, and the boundaries of this law continue to be tested and refined in court.

2.1. A Brief History of Public Accommodation Discrimination Law

The legal prohibition against customer discrimination can be traced back centuries before the passage of the Civil Rights Act of 1964. Understanding this lineage helps contextualize current debates about religiously motivated refusals of service. In 15th century England, common law recognized an obligation for merchants to serve all paying customers (Thomas, 2021). This reflected the belief that many businesses provide a public service, and therefore the public has an interest in how businesses treat their customers. The government represents the public and works to ensure businesses operate in the best interests of the public good (Kline, 2023).

In the United States, customer discrimination law began with the Civil Rights Act of 1866, which followed the emancipation of slaves around 1865 (Thomas, 2021). However, the Civil Rights Act of 1866 was rarely enforced, and so in practicality, had little effect. The Civil Rights Act of 1875 was then designed to strengthen protections, but it was found unconstitutional. In a pivotal ruling, the Supreme Court asserted Congress did not have the authority to prohibit disparate treatment along racial lines by private parties. Its authority only extended to government action (Burdick, 1911; Thomas, 2021).

Predictably, this emboldened southern states to further enforce segregation and restriction of rights. So-called Jim Crow or Black-Code laws became prevalent in the United States. These laws legalized segregation and disparate treatment along racial lines. In *Plessy v. Ferguson* (1896), the Supreme Court upheld a Louisiana law that forced separation by race in rail travel. A legal review written at the time noted that innkeepers had long been expected to "be open to all comers" (Browne, 1896: p. 73) and that carriers should be "bound to carry all well-behaved persons applying for passage" (p. 149). Nevertheless, the ruling normalized the doctrine of "separate but equal", again based on the theory the government could not intervene in the operations of a private business (Burdick, 1911). Repeated challenges to these laws in court failed for decades (Thomas, 2021).

The legal turning point came with *Brown v. Board of Education* in 1954, which ended public school segregation, allowed the federal government to pierce through state and local laws, and upended the idea of "separate but equal". Ten years later, the Supreme Court ruled Title II of the Civil Rights Act of 1964 was enforceable under the Commerce Clause of the Constitution, thereby affirming the federal government had authority to intervene in private enterprises (Thomas, 2021).

Since then, customer discrimination along racial lines, which was the primary motivation of the Civil Rights Act of 1964, has received much less attention. The modern application of Title II has instead focused increasingly on other boundaries, such as personal characteristics, gender identity, or disability. This has placed Christian business owners at the intersection of long-standing civil rights principles and cultural disputes over service and religious conscience (Thomas, 2021; Kline, 2023).

2.2. Protected Categories under Title II

While the impetus of the Civil Rights Act of 1964 was racial discrimination, Title II also expressly forbids customer discrimination according to color, religion, or national origin. Conspicuously absent from that list was gender. Title II does not address discrimination according to biological sex. Interestingly, it was included in Title VII, but there is currently no federal law that deals with customer discrimination according to gender. Most states, but not all, have since filled this gap (Porter, 2019).

Although not part of the original Title II, other protected categories have been effectively added to the list (Haskins, 2015). In 1990, Title III of the Americans with Disabilities Act made it illegal for places of public accommodation to discriminate based on disability (Americans with Disabilities Act, 1990). Gender identity and individual characteristics, like biological sex, are still not explicitly covered by federal law. However, The Supreme Court's 2020 ruling in *Bostock v. Clayton County* applied Title VII protections to those categories. The Supreme Court's logic in that case has since been applied by lower courts to other areas, such as Title IX, which deals with education (Education Department Finalizes, 2025). Federal agencies have also been following suit in areas such as administration of the Affordable Care Act and the Fair Housing Act (Mallory, Vasquez, & Meridith, 2020). However, at the federal level, the Title II gap remains. In recent rulings, the Supreme Court has been moving away from Bostock's logic (Chemerinsky, 2026). The proposed Equality Act, which addresses this gap, has been repeatedly introduced in Congress but never passed. At the state level, roughly half of U.S. states have already passed laws prohibiting individual characteristics and gender identity discrimination in public accommodation (Abels & Munoz, 2023; Snapshot, 2025). More recently, Bostock's application to state anti-discrimination laws has been mixed, with some courts declining to extend it (Chemerinsky, 2026; Parness & Rickeman, 2024).

Since this article focuses on religious discrimination, it should be noted this protected category is unique from the others. Legal protection extends to distinguishable classes of individuals in the case of race, national origin, or disability. However, religion extends across all these classes and is not always clearly identifiable. The courts are thus often called upon to decide what qualifies as religious and what does not. Based on numerous cases, the test that is applied is simply whether a plaintiff's beliefs function as a traditional religion in their life. If the person behaves as if they have an orthodox religion, it is accepted as fact. The Supreme Court has repeatedly asserted it is not the role of the courts to arbitrate spirituality (Gregory, 2011).

2.3. Types of Establishments under Title II

Title II only applies to certain types of places defined as *public accommodations*. This generally includes businesses open to the public that serve customers in the areas of travel, food, or entertainment. The statute explicitly mentions lodgings (hotels, motels, inns), restaurants and any other places selling food for on-premises consumption, gasoline stations, and places of entertainment (movie theaters, concert halls, sports arenas) (Civil Rights Division, n.d.). The boundaries of what qualifies as a public accommodation fall in line with Congress' authority over interstate commerce and traditional protections for travelers (Thomas, 2021).

Note the list of covered establishments in Title II does not include most retail stores. The only exception is when a retail establishment includes another covered service under its roof, like a coffee shop. Grocery stores, clothing retailers, or general merchandise stores are not included (Civil Rights Division, n.d.). This exclusion was intentional. When the law was passed, Congress debated the inclusion of entertainment venues and retail stores, and whether they fit within Congress' powers under the Commerce Clause. President Kennedy even gave a speech in 1963 including retail stores as amongst the venues the law was designed to protect, and it was included in early drafts. However, ultimately the compromise struck with Congress was to include entertainment venues but not retail establishments (Thomas, 2021). Nearly every state later expanded their own public accommodation laws to cover retail stores and other categories, but it is not covered at the federal level (Harvard Law Review, 2023).

It is not always clear what qualifies as a public good and when there is legitimate public interest in a business. There is no clear definition as to when a business has stepped into the realm of a public accommodation. The legal vacuum then must be filled by policy, which is settled in court (Kline, 2023). For example, like retail stories, hospitals, banks, barber shops, and airplanes are not covered under Title II (Thomas, 2021). Photographers, T-shirt printers, web site publishers, and specialty wedding cake bakers have all been tested by the courts as boundaries (Kline, 2023). The Supreme Court has tried to distinguish businesses that produce original, customized, expressive, or artistic products from the list of public accommodations (HRNews, 2023). Interpretation has varied from jurisdiction to jurisdiction. But generally, lower courts have been unwilling to exempt business that hold themselves out as open to the public from anti-discrimination laws, and the cases rarely make their way into higher courts (Movsesian, 2019).

2.4. Behavior Covered under Title II

Title II calls for all patrons to receive the "full and equal enjoyment" (Civil Rights Act, 1964) of the covered establishment's facilities and services. Outright denials of service are clearly and consistently prohibited by the courts (Thomas, 2021). Classic examples include refusing to seat a family at a restaurant because they are Asian American, segregating darker-skinned customers into a separate area, or charging higher rates to Muslim guests at a hotel. Overt disparities in access to services for protected categories are direct violations of Title II (Civil Rights Division, n.d.).

As a pragmatic matter, however, this is where the clarity ends. An examination of case law shows some forms of discrimination or segregation in how goods and services are provided are apparently permissible, in certain circumstances (Thomas, 2021). There are numerous examples of businesses who have abused and offended customers in terrible ways, but because they did not deny service, it was not considered a violation of Title II. Consider *Arguello v. Conoco*, where a store clerk demanded identification to confirm a credit card, made obscene gestures and racist comments, and eventually locked the Hispanic customers out of the store. Since they had completed their transaction, a judge ruled it was not technically a violation (*Arguello v. Conoco, Inc.*, 2003). Employing tactics such as profiling customers as security concerns based solely on their presumed race has been declared legal (Thomas, 2021). Minor service improvements, such as offering discounts, or customer comfort behaviors, like friendliness and information sharing, generally do not stray across legal boundaries (Rosenbaum, Walsh, & Wozniak, 2012; Curry & Kleiner, 2005).

2.5. Enforcement of Title II

Some have argued refusal of service is not an act of aggression and intervening in whom a business owner elects to serve represents government overreach into internal business operations. A business is private property, and business owners might assert they should be permitted to use their property as they choose (Block, 1998). While these arguments emphasize individual autonomy, this is a settled area of law. Federal and state governments often place boundaries on business behavior when a larger social good is at stake. Examples include federal standards for safe working environments, regulations on how food is prepared and stored, fire codes and building permits, and emissions requirements for businesses in manufacturing (Kline, 2023). While the government clearly has no authority to regulate belief, it can and often does impose restrictions on conduct (McConnell et al., 2016).

Legal scholars have argued that when an entrepreneur opens their doors to the public, they are making an *assumpsit*, an implied promise to serve. Potential customers rely upon this promise. Refusal of service may only be an inconvenience. But some businesses have a near monopoly in their local areas or niche services, so there is potential for significant harm. Furthermore, the issue of social equity is a compelling matter in modern society. This creates a public interest in the business (Kline, 2023; Harvard Law Review, 2023).

Enforcement of Title II falls to the Department of Justice (DOJ). Cases are either initiated by plaintiffs or by the DOJ itself. Title II authorizes individuals who believe they have been the subject of discrimination to file a complaint or to pursue relief in federal court. However, the DOJ may initiate lawsuits on its own when it becomes aware of a "pattern or practice" (U.S. Department of Justice, 2023: para. 3) of discrimination or when it judges there are maters of public importance involved.

Publicly available data indicates Title II enforcement is relatively limited in volume compared to other civil rights provisions like Title VII. Nevertheless, the Department of Justice maintains a specialized Civil Rights Division unit for Title II enforcement. Enforcement generally means the DOJ seeks a court order to stop the discriminatory behavior. Title II does not create a private right to monetary damages. However, in many cases the individuals involved will file lawsuits combining Title II claims with claims under other laws, such as state public accommodation statutes, which allow for damages (Thomas, 2021).

3. Distinguishing Title II from Other Civil Rights Laws

This article focuses on Title II of the Civil Rights Act of 1964. However, other civil rights laws often intersect and become an issue in specific cases. This includes antiquated federal laws such as Section 1981 of the Civil Rights of 1866, but also numerous more modern laws at the state and local level.

3.1. Section 1981

The Civil Rights Act of 1866 is still in force. Section 1981 of the Civil Rights Act of 1866 prohibited discrimination against customers by race, requiring that "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts" (Equal Rights under the Law, 2018). Section 1982 goes on to say, "All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property" (Property Rights of Citizens, 2018).

Even though Section 1981 specifically targets discrimination based on race and ancestry, it occasionally comes up in religious customer discrimination cases. Certain groups, like Jews and Arabs, are recognized as protected groups by the courts due to their unique ancestry and ethnicity, not just their religion. However, courts have routinely and consistently rejected Section 1981 cases when only religion is at issue (*Elkhatib v. Dunkin Donuts*, 2007).

3.2. Title VII

Title II of the Civil Rights Act of 1964 deals with customer discrimination in the provision of goods and services, while Title VII prohibits discrimination in the treatment of employees. They each differ in scope and remedy, and courts generally apply the statutes separately, requiring each to be satisfied according to its own elements. Title II is more limited, covering a smaller subsection of protected classes and applying only to public accommodations (*Westray v. Porthole, Inc.*, 1984). Title VII adds national origin and gender to the list of protected categories, applies more broadly, and allows for monetary damages (Definitions, 2018).

Despite the difference in focus, Title II and Title VII occasionally cross paths in court. If an organization has a pattern of discrimination, they may end up with concurrent claims. For example, when Cracker Barrel was sued for race discrimination by African American employees under Title VII, the DOJ simultaneously prosecuted the company under Title II for discriminatory customer service (*Donahue v. CBRL Group, Inc.*, 2009). Furthermore, given the relative sparsity of Title II case law, Title VII is often looked upon by the courts for legal precedents. Title VII cases are used to fill the gaps in jurisprudence (*Fahim v. Marriott Hotel Services*, 2008).

3.3. Religious Freedom Restoration Act

Another set of laws that cross paths with Title II are the federal and state versions of the Religious Freedom Restoration Act (RFRA). The Act passed at the Federal level in 1993, with impressive near-unanimous bipartisan support. It was a reaction to a landmark Supreme Court case where the Court ruled that generally applicable, neutral laws could be enforced, without exception, even when it burdened individuals' free exercise of religion (*Employment Division, Department of Human Resources of Oregon v. Smith*, 1990). RFRA was designed to firmly establish the legal standard of *strict scrutiny* in cases involving laws that might infringe on religious rights. This means that to enforce such a law, the government must prove that it not only has a compelling interest in doing so, but also that it is using the least restrictive means possible (Legal Information Institute, 2018).

The original 1993 RFRA was intended to apply to all U.S. law (Bomboy, 2014). However, shortly after its passage, a series of cases emerged involving landlords who refused to rent apartments to unmarried couples based on religious objections. With growing fear RFRA would become an enabler of discrimination, public sentiment began to shift. In *City of Boerne v. Flores* (1997), the Supreme Court ruled Congress overstepped its authority and limited application of RFRA to federal law. Proposed bills to address the matter failed along party lines, although the Religious Land Use and Institutionalized Person Act was passed in 2000 to extend authority over federal land and incarcerated prisoners (McConnell et al., 2016). Since that time, many states have adopted their own religious-freedom protections. By 2026, a total of 29 states had enacted RFRA-style protections in varying forms, with several additional states providing similar strict-scrutiny protection through state constitutional law (Becket Fund for Religious Liberty, n.d.; Ahluwalia, 2026). This has further fractured and complicated the issue across jurisdictions (McClam, 2015).

It is important to note RFRA is not a discrimination law but occasionally becomes involved in Title II cases as a defense (McClam, 2015). Title II guarantees no person can be denied service in a covered establishment, and it contains no general exemptions on religious grounds. It is designed to enforce equal access, regardless of a business owner's personal convictions. RFRA, in contrast, is designed to shield sincere religious exercise from government imposition. Under RFRA, the government can enforce Title II, but only if it passes the very demanding test of strict scrutiny. RFRA does not alter any existing laws regarding discrimination, but it does set terms for how the government may enforce those laws.

When Title II and RFRA collide, it becomes a balancing test that must be carefully managed and can be highly subjective (Movsesian, 2019).

In practice, however, there have been extremely few cases where a business owner has prevailed in court against a public accommodation discrimination claim based on RFRA. In instances where public accommodation laws have been challenged, the trend is for the cases to be quickly dismissed. For example, when a Florida gun shop attempted to declare itself a "Muslim Free Zone", the case was dismissed for lack of standing (*Fatihah v. Neal*, 2017). The Department of Justice seems to have stepped up its enforcement efforts, recently suing a California café for expelling Jewish customers (Civil Rights Division, 2025). When challenges have escalated, courts have generally ruled that the government's interest in eradicating discrimination outweighs any burden on the business owner's religious expression. In the few cases where customer discrimination based on religious adherence has been permitted by the courts, the defendant business owners have prevailed based on other laws, like First Amendment protections against compelled speech, not RFRA (Richardson, 2017).

3.4. State Customer Discrimination Laws

At the state level, there is a diverse and complex patchwork of customer discrimination laws. Currently, there are public accommodation laws, similar to Title II at the federal level, in place for 45 U.S. states (NCSL, 2025). Alabama, Georgia, Mississippi, North Carolina, and Texas do not have any public accommodation laws at the state level for non-disabled customers, although even in those instances many local municipalities have enacted their own (Justia, 2024). These laws differ dramatically in terms of protected classes, the scope of businesses covered, and enforcement mechanisms (NCSL, 2025).

Protected classes vary by state, making the legal outcome largely dependent on location. Refusing to serve a customer because of the customer's religious identity (such as by denying service to all Muslims) violates federal law and the laws of almost every state. However, refusal to serve based on the owner's religious objections to a customer's requests (such as by refusing to bake a wedding cake for a particular couple's wedding), is permissible in some cases (NCSL, 2025). For instance, only 24 states explicitly prohibit discrimination based on personal characteristics, which is not covered under Title II. Therefore, when a hardware store owner in Tennessee refused to serve customers from a particular group, it was perfectly legal (Fuller, 2015). Mississippi went so far as to pass a law that specifically authorizes certain religious-based refusals to protect wedding-related businesses (NCSL, 2025).

State public accommodation laws tend to define the types of establishments covered more broadly than Title II does at the federal level. Retail stores and service providers are covered in most states (Justia, 2024). A few states have statutes that focus only on disability access. But in those states that do not have public accommodation laws, the narrower definition of Title II's scope could leave some gaps for businesses to potentially refuse customers for traits like religion or even race. For example, technically, in Texas it is legal to discriminate based on a customer's ethnicity if the business is a retail store without any food service (NCSL, 2025).

Enforcement and remedies available also differ by state. Title II only provides for injunctive relief, meaning a plaintiff can only demand that the discriminatory behavior cease. However, some states treat violations as civil offenses with fines, and a few even classify deliberate defiance of the law as misdemeanors. Many states permit private lawsuits against businesses with the possibility of penalties and damages (Fuller, 2015; NCSL, 2025). When an Oregon baker refused to make a wedding cake for a particular couple, the Oregon Bureau of Labor and Industries ordered the bakery to pay $135,000 in damages to the couple for emotional suffering (Lamda Legal, 2026). The case withstood multiple appeals for behavior that is explicitly authorized under Mississippi law (Vanderhart, 2022).

It is important to recognize that cases of customer discrimination based on religious principles often come down to a delicate balance between protecting customers against unfair abuse and protecting business owner's religious freedoms. This can make the outcome not just dependent on the diversity of applicable local laws, but even on the subjective judgment of individual courts (Movsesian, 2019). Judges predictably have varying interpretations about what amounts to compelling interest and what qualifies as a substantial burden on religious belief. There is a natural tension in the U.S. system of law between individual freedom of choice as a matter of conscience and violating the rights and agency of others (Gregory, 2011). This inevitably creates legal challenges for Christian-owned businesses.

4. Common Legal Challenges for Christian-Owned Businesses

This can be difficult territory for Christian-owned businesses to navigate. Public opinion is sharply divided, and genuine legal uncertainty persists at the intersection of sincerely held religious beliefs and anti-discrimination obligations. The same behavior might provoke applause or demonstrations—bringing market gains or fines and litigation (Alliance Defending Freedom, 2018). While federal and state laws are reasonably consistent in prohibiting businesses from discriminating against customers due to their race or religion, the law is less clear when certain service requests can be refused. Legal tension arises when Christian business owners face requests that conflict with their theological convictions (Gregory, 2011). This section explores common legal challenges faced by Christian-owned businesses. First, the section examines typical areas of conflict. Then, a few illustrative case examples are presented to highlight how courts and agencies have navigated these issues across jurisdictions.

4.1. Requests for Services Conflicting with Religious Convictions

Christian business owners may face a time when delivering on a customer's request will feel like they are complicit in a sin, but failure to comply can result in serious legal risk. If the business is holding itself out as open to the public, the owner may face a decision of promoting behavior they feel is sinful or simply shutting their doors (McConnell et al., 2016). This could be extremely distressing for an entrepreneur who dreamed of expressing themselves through their business, not simply completing transactions in a mechanical fashion (May, Gilson, & Harter, 2004).

For many religions, including Christianity, work is not treated as a discrete part of life that can be separated from religious beliefs and commitments. In Islam, for example, religion is considered the framework from which all other activities take place (Nasr, 1993). The First Amendment states there must be no establishment of religion, but this refers only to public establishment. Many companies effectively establish a religion. In the United States, this generally means Christianity is given some kind of preferred status or support, paving the way for questions of discrimination. People who do not share the business' professed views will understand they are not being treated as moral equals (Hicks, 2003). The prevailing areas of current legal contention are wedding-related services and custom products with messages that conflict with a business owner's religious beliefs.

The issue of whether business owners must accommodate those seeking services related to the particular marriages has been called "one of the most divisive cultural questions in the country" (Bruinius, 2023: para. 11). Wedding-related services, including cakes (*Masterpiece Cakeshop v. Colorado Civil Rights Commission*, 2018), photography (*Elane Photography, LLC v. Willock*, 2013), floristry (*State v. Arlene's Flowers*, 2019), videography (*Telescope Media Group v. Lindsey*, 2017), invitations (*Brush & NIB Studio, LC v. City of Phoenix*, 2019), and even website design (303 Creative LLC v. Elenis, 2023), has been one of the most frequent and problematic areas for the courts to manage. The lines between what amounts to a compelling government interest in discouraging discrimination and the freedom of business owners to exercise their religious values about marriage are being actively litigated across multiple states, with mixed results.

A somewhat related area of difficulty arises when a customer asks a religiously adherent business to produce a custom product that contains a message that could be deemed objectionable. This doesn't always relate to wedding events, such as in the case of the Kentucky T-shirt printer who was asked to make shirts for a certain pride festival (Lex18, 2019) or the Office Depot in Schamburg Illinois that refused to print 500 copies of "A Prayer for the Conversion of Planned Parenthood" (Pashman, 2015: para. 2). While the law prevents businesses from excluding customers for discriminatory reasons, some exceptions have prevailed in court based on freedom of speech rights (Richardson, 2017). The law not only ensures freedom of speech, but also freedom from compelled speech (*Hurley v. Irish-American*, 1995). According to Professor Girgis of Notre Dame Law School, "The government can't force you to say, do, or make something that carries a message you reject" (Bruinius, 2023: para. 12). The definition of speech is interpreted broadly, including not only spoken words and text, but also artistic works like sculptures and paintings (McConnell et al., 2016; *State v. Arlene's Flowers*, 2019).

4.2. *Masterpiece Cakeshop v. Colorado Civil Rights Commission* (2018)

Perhaps the best known case involving Title II discrimination issues and religion is *Masterpiece Cakeshop v. Colorado Civil Rights Commission* (2018). In 2012, Jack Phillips, a baker in suburban Denver, Colorado refused to make a cake for a certain wedding. The requested cake didn't contain any special message, but was custom designed (Moreno, 2015). The customer rejected an offer to select an off-the-shelf, standard cake. Phillips had a policy against creating cakes for particular weddings and had declined to do so several times in the past. He had also refused to bake cakes celebrating Halloween, out of religious conviction (Movsesian, 2019).

The Masterpiece Cakeshop case resulted in a decade-long legal battle. The couple filed a complaint under Colorado's public accommodation laws. State agencies upheld that Phillip's refusal violated the law (Holbrook, 2018). Administrative law judge Rober Spencer ruled since the baker hadn't been required to write an offensive message, he had violated Title II (Moreno, 2015). Phillips asserted first amendment protections, arguing the creation of a cake amounted to an artistic message, and he was therefore protected against compelled speech. The case withstood appeals and ultimately wound up with the U.S. Supreme Court. In a 7-2 decision, the Supreme Court sided with Phillips (Movsesian, 2019).

Unfortunately, the case didn't settle any of the crucial questions about the boundaries of nondiscrimination laws and religious liberties (Holbrook, 2018). Instead, the Supreme Court rested its decision on the inconsistencies and animosity apparent in Colorado's ruling. There had been three prior cases handled by the Colorado Civil Rights Commission where bakers had refused to make cakes containing messages targeting a particular group, and in all three cases the Commission sided with the bakers. In addition, two of the commissioners were on record disparaging Phillip's religious beliefs (Movsesian, 2019). The U.S. Supreme Court did not rule on the merits of whether cake decorating is protected free speech, but instead simply asked Colorado to revisit the case in an impartial and respectful manner. In early 2019, Colorado reached a confidential settlement with Phillips and the case was dropped (Slevin, 2021). Meanwhile, Phillips now faced another lawsuit from a customer who requested a cake for celebrating a gender transition. This case made it to the Colorado Supreme Court in October 2024. It was dismissed on procedural grounds, again failing to address the critical discrimination issues (*Masterpiece Cakeshop v. Autumn Scardina*, 2024).

4.3. 303 Creative LLC v. Elenis (2023)

With the Masterpiece Cakeshop case making headlines, a second Colorado lawsuit emerged regarding a business owner's objections to supporting particular weddings (303 Creative LLC v. Elenis, 2023). Unlike Jack Phillips, however, the proprietor, Lorie Smith, had never been asked to do anything objectionable. Instead, she filed a complaint against the state preemptively (Boston & Hayes, 2023). Smith's company, 303 Creative LLC, created custom websites for businesses. Smith claimed she intended to expand her company into creating websites to celebrate new marriages but wished to refuse solicitations from particular couples, based on her Christian beliefs. Smith quickly lost in the lower courts. She ultimately appealed to the U.S. Supreme Court (Quinn, 2023).

In 2023, the Supreme Court agreed to hear arguments on the case, recognizing critical issues were still unsettled by the Masterpiece Cakeshop case. Backed by a Christian legal advocacy group, Alliance Defending Freedom, Smith was able to successfully argue that Colorado could not legally force her to develop online content that violates her beliefs (Quinn, 2023). Unlike with the Masterpiece Cakeshop case, which involved cakes, the expressive content Smith designed clearly fell into the category of protected speech. The Court held that first Amendment protections against compelled speech precluded forcing Smith to express messages that were contrary to her religious beliefs (303 Creative LLC v. Elenis, 2023). Although the ruling was narrowly applied to objectionable speech and cannot be labeled "a blank check to engage in discrimination" (HRNews, 2023: para. 14), it clarified the boundaries between discrimination and religious exercise rights. The ruling does not authorize refusals based on a customer's protected identity, but does reaffirm protections against compelled speech, regardless of religious or other motivations.

4.4. State vs. Arlene's Flowers

State v. Arlene's Flowers (2019) is often compared to the Masterpiece Cakeshop case, but there are important differences. Washington florist Baronnelle Stutzman refused in 2013 to provide custom flower arrangements for a particular couple's wedding. One of the partners had been a regular at the store. The exchange was reportedly amiable, and the couple made no official complaint. However, one partner commented about it on social media, raising it to public attention (Turnbull, 2013). This prompted the state to sue under Washington civil rights laws (Harvard Law Review, 2019). The American Civil Liberties Union (ACLU) then got involved, demanding a public apology, monetary damages, and a promise to unreservedly serve particular weddings in the future. When Stutzman refused, the ACLU filed its own lawsuit (Turnbull, 2013).

Stutzman lost both cases in 2015 and was found guilty of violating the state's antidiscrimination laws (Kaplan, 2015). While her lawyers appealed, a fundraising effort began to help her pay legal fees. However, after $174,000 was quickly raised, GoFundMe removed the donation page, stating their policy prohibited supporting discriminatory causes (Ohlheiser, 2015). The two cases were argued together by the Washington state Attorney General in 2016, with cameras recording the event, in front of a live audience at Bellevue College (Alliance Defending Freedom, 2017). In early 2017, the state unanimously ruled against Stutzman, arguing flower arrangements do not constitute a form of protected speech. Stutzman's attorneys then appealed to the Supreme Court (Harvard Law Review, 2019).

Following its ruling on the Masterpiece Cakeshop case, the U.S. Supreme Court vacated the Washington Supreme Court's ruling and suggested it should be reconsidered (Harvard Law Review, 2019). A new hearing was held in the summer of 2019, where the Washington Supreme Court again unanimously ruled against Stutzman. Stutzman's attorneys appealed to the U.S. Supreme Court again, but the Court declined to hear the case. In November of 2021, Stutzman withdrew her petition to the Supreme Court, citing "ruinous attorney's fees" (Slevin, 2021: para. 6). Now at the age of 77, she paid a small settlement to the couple and chose to retire from floristry. One of her former employees took over as the new owner, immediately announcing it is now "inclusive, safe and welcoming to all customers" (Culverwell, 2023: para. 3). The shop openly advertises itself as welcoming to customers from diverse backgrounds and eager to provide custom floral arrangements for weddings, regardless of customers' individual characteristics. With all appeals dismissed, Washington's ruling stands in full force.

4.5. Hands On Originals

An example of a case that did not involve wedding services is *Lexington-Fayette Urban County Human Rights Commission v. Hands On Originals* (2019). The case shows that even when the conclusion is legally clear, local authorities often disagree, causing quite a bit of pain and expense. In 2012, Hands On Originals (HOO), a Kentucky screen-printing shop, was approached by a local community services organization (GLSO) to create custom T-shirts for an upcoming Pride Festival. The design included the name of the festival and colorful imagery. The owner, Blain Adamson, refused to accept the order, citing his Christian beliefs (Banzhaf, 2017). GLSO filed a complaint with the Lexington-Fayette Human Rights Commission (HRC), kicking off a multi-year legal battle.

The Human Rights Commission investigated and held hearings on the issue. After a two-year process, Hands On Originals was found to have violated local civil rights ordinances by refusing GLSO's order. The company was ordered to refrain from future discrimination and to attend mandatory diversity training. Hands On Originals appealed the decision to the Fayette Circuit Court, which overturned the decision in 2015. The court held that HOO had been within its First Amendment rights to refuse the order based on the content of the message, rather than the customers' identities (Richardson, 2017). The HRC then appealed the decision. The Lexington-Fayette Court of Appeals affirmed the lower court's position, based on the First Amendment and protections from Kentucky's form of the Religious Freedom Restoration Act. The decision then went to the Kentucky Supreme Court, where it was dismissed on procedural grounds (*Lexington-Fayette Urban County Human Rights Commission v. Hands On Originals*, 2019). This gave the company a final and complete legal victory. They continue operating in Lexington, free of any court ordered diversity training or requirements to print objectionable messages.

5. Legal Strategies for Navigating Title II Obligations

These cases illustrate that navigating Title II obligations may require difficult choices and careful, proactive strategy (Alliance Defending Freedom, 2018). The law prohibits discrimination in places of public accommodation, and sincerely held religious beliefs do not automatically exempt a business from compliance. However, legal challenges often arise more from misunderstandings than from intent (Litman, 2022). Furthermore, businesses have a range of lawful options to structure their operations and communications in ways that reduce liability but still protect their missions. This section outlines legal strategies, grounded in legal precedent, agency guidance, and scholarly commentary, which offer business owners a roadmap to avoid unintended legal exposure while staying true to their Christian principles.

5.1. Compelled Speech as a Defense

Several major cases have been settled based on free speech grounds, rather than on claims of religious exercise. A basic philosophy of the U.S. system of government is that individuals are free to make their own choices and act according to their own consciences, up to the point their behavior violates the agency and rights of others (Gregory, 2011). An important extension of this principle is the concept of *compelled speech*. The Free Speech Clause of the First Amendment protects not only the right to speak, but also the right to refrain from speaking. Individuals can refuse to express, endorse, or communicate a message they find objectionable. This protection is relevant when a business provides goods or services that involve expressive conduct. The courts have consistently recognized business owners have the right to refrain from producing messages or affirming beliefs they do not hold (*Hurley v. Irish-American*, 1995; McConnell et al., 2016).

The Supreme Court has upheld that business owners have the right to discriminate the type of messages they support, as long as they are consistent with how their standards are applied. The key is that the discrimination must be based on message, not on identity (Banzhaf, 2017). To protect themselves, service providers need clearly documented policies regarding the types of products they are willing to provide. The Kentucky T-shirt printer won their case in part because they had preemptively prepared a written policy that they would not accept orders that would directly endorse positions inconsistent with the beliefs of the owners (*Lexington-Fayette Urban County Human Rights Commission v. Hands On Originals*, 2019). Refusing to sell to any particular person would violate the law, but refusing to print a T-shirt that promotes a particular lifestyle is not illegal (Banzhaf, 2017; *Brush & NIB Studio, LC v. City of Phoenix*, 2019).

Protections against compelled speech can be expanded beyond printed text to other types of messages (Bruinius, 2023), but business owners should be warned that the limits of this protection are murky and disputed. Several important cases have hinged on the definition of speech. Art is often included in this definition, including sculptures and paintings where the underlying message is up for interpretation (*State v. Arlene's Flowers*, 2019). In *Brown v. Entertainment Merchants Association* (2010), the Supreme Court proposed a two-part test. To be considered speech, the conduct must communicate ideas and be similar to other forms of protected speech. General goods that don't involve some form of artistic expression won't qualify, but protection for products like custom cakes and floral arrangements is unclear. The Washington Supreme Court suggested providing Arlene's Flowers an exception would also require exceptions for beauticians, hairstylists, dressmakers, and caterers. Stuzman's lawyers retorted "A side of broccoli does not speak a message" (*State v. Arlene's Flowers*, 2019: p. 6). Thus, although these cases highlight one potential avenue for protection, compelled speech is only a viable defense when a product or service involves genuine expressive conduct. It offers no protection whatsoever for standard, off-the-shelf goods or routine services.

5.2. Private Membership Organizations

Theoretically, if a Christian entrepreneur were to decide that discrimination between customers based upon protected aspects of identity was demanded by their religious principles, there is one legal option available: A private membership organization. A private social club, organized under section 501(c)(7) of the IRS code (IRS, 2022), is permitted to overtly discriminate based on race, gender, or religion. Based on the Constitutional right of freedom of association (CBS News Minnesota, 2012), private membership organizations receive a narrow exemption to civil rights laws that applies in terms of not only customer membership but also employees (McCann, 2019).

Pragmatically, this flexibility comes with a tremendous price that renders it a poor strategy for any entrepreneur who wants to operate something resembling a business. It is not simply a matter of relabeling a business as a private club. The courts have proven they will see past such facades (*Daniel v. Paul*, 1969). To maintain bona fide private club status, the organization cannot be open to the public and cannot simply admit everyone who pays a membership fee. Membership must be genuinely selective with demonstrable processes for application, sponsorship, reviews, and voting. Furthermore, private clubs must be controlled by and operated for the benefit of the members, not for any owners. This includes any profits generated. Private clubs are organized around mutual association, fellowship, shared values and commitments, or expressive purposes, not to generate revenue. When challenged, the courts will examine whether the entity advertises publicly, seeks profit, is genuinely selective, competes with public businesses, or generally acts as a typical commercial enterprise (*Welsh v. Boy Scouts of America*, 1993). In other words, to qualify, the organization would effectively need to stop acting like a business. This option carries significant legal complexity, cost, and risk, and should not be explored until other strategies are exhausted and only with the guidance of qualified legal counsel.

5.3. Neutral Service Policies

One of the simplest and most powerful tools Christian entrepreneurs can use to mitigate legal exposure to charges of customer discrimination is the enactment of formal, neutral service policies. To be effective, such policies must be established in advance of the conflict, stated in clear, objective terms, and applied consistently. They are strongest when they clearly regulate conduct, product categories, facility uses, or expressive messages without targeting identity (Cole, 2024a). While such policies are not an impenetrable legal shield, they can significantly reduce exposure to legal risk by demonstrating the business is merely regulating its own operations rather than discriminating against protected classes of customers (*Lexington-Fayette Urban County Human Rights Commission v. Hands On Originals*, 2019).

Neutral service policies could be established that would head off potential conflicts due to unwanted behavior. It is normal for businesses to require clothing, shoes, or safety-compliant attire for customers and employees. Such restrictions can be legally expanded to include clothing and behavior simply for the matter of decorum. For instance, a church-owned coffee shop could establish a family-friendly customer code of conduct that prohibited prolonged kissing or intimate touching on the premises, as long as the rule applies to all customers. A business could remove customers who harass, threaten, or insult others, regardless of whether the harassment is anti-religious, political, or personal. A bookstore could refuse to sell or display certain categories of materials. An event venue could define what kinds of events it is willing to host. It could choose to support education, charitable, ministry, or community events, while refusing to accommodate political rallies, adult entertainment, gambling, or sexually themed events, as long as equal access is provided to all potential customers (Cole, 2024b).

Unfortunately, neutral service policies are not an answer to every situation. They provide some level of protection for expressive businesses, particularly those businesses that produce messages in traditional forms, like writing. The Kentucky T-shirt printer who was sued over refusing to create shirts for a particular pride festival won its case in part because it had a policy against producing products with that sort of messaging (*Lexington-Fayette Urban County Human Rights Commission v. Hands On Originals*, 2019). But the boundaries of such protections are unclear for other forms of expression, such as custom cakes for weddings (*Masterpiece Cakeshop v. Colorado Civil Rights Commission*, 2018). And it certainly doesn't apply for general products. If a particular couple wished to buy a standard cake for their wedding, the bakery couldn't refuse service unless they simply stopped selling weddings cakes altogether. The policies must define unacceptable content, conduct, or products, not unacceptable customers (U.S. Department of Justice, 2023).

5.4. Avoiding Legal Pitfalls

Title II legal risks are best managed proactively. Prudent planning, clear policies, careful documentation, and consistent enforcement can temper controversy before it develops. In contrast, ad hoc refusals of service can be hazardous. The courts have taken statements made in the heat of the moment as signals of true underlying intent, regardless of documented policies or later, more neutral explanations (*Hager v. Brinker Texas, Inc.*, 2024). Claims often depend on whether a protected customer class received differentiated treatment, and statements made during an encounter could strengthen an inference of discrimination.

Perhaps the strongest response to a disgruntled customer is a reference to documentation. Refusals of service should be based on an established boundary, not an improvisational justification. Cases have been won based on the strength of written policies and documentation of previously declined orders, recorded before the disputed incident (*Lexington-Fayette Urban County Human Rights Commission v. Hands On Originals*, 2019). Business owners should protect themselves by predicting areas of possible tension and then documenting intent and approved behavior. While documentation doesn't guarantee success in litigation, historical records are generally more persuasive in court than artful explanations created after the fact. This prior documentation should include training materials offered to employees to ensure consistent enforcement.

Inconsistent enforcement becomes highly problematic in court. Written policies, while formally neutral, lose their legitimacy when they are applied differently for comparable requests. Services denied to customers of a protected class cannot continue to be available to others. For example, bakers must treat all sexually charged messages the same, rather they are anti-individual characteristic or pro-life (*Masterpiece Cakeshop v. Colorado Civil Rights Commission*, 2018). If a church-owned coffee shop implemented a policy against prolonged kissing on its premises, it must apply equally to couples from different backgrounds. And when service is denied, it should be consistently documented, generating compelling evidence for future lawsuits. Christian-owned businesses must prepare their employees to ensure service policies are unswervingly applied across viewpoints, customer groups, and circumstances. Otherwise, selective enforcement may imply stated policy is merely subterfuge for premeditated discrimination.

Finally, perhaps the biggest pitfall for a Christian business owner is the temptation to go it alone. Proactive consultation with qualified, jurisdiction-specific legal counsel should be treated as a core legal strategy, not just a response to litigation after the fact. Public accommodation laws and their application vary widely across municipalities, and the boundaries of regulatory protection remain largely unsettled (Movsesian, 2019; Thomas, 2021). Counsel familiar with the applicable laws could review proposed service policies, help identify potential risks, and ensure any restrictions are properly framed, documented, and applied before a dispute arises.

6. The Role of State and Local Laws

This article has focused on federal law, but state and local antidiscrimination laws often extend protections well beyond Title II. For example, Title II covers discrimination based on race, color, religion, and national origin in places of public accommodation. Colorado's Anti-Discrimination Act (CADA) statute adds disability, creed, sex, personal characteristics, gender identity, marital status, and ancestry to the list of protected categories. The law was recently revised to include gender expression, which concerns how an individual chooses to be addressed (Colorado Revised Statutes § 24-34-601, 2025). As another example, Washington's Law Against Discrimination (WLAD) expands the scope of covered establishment to places of public resort, assemblage, or amusement (Wash. Rev. Code § 49.60.215, 2025).

Title II is only a federal floor for customer discrimination law, so it does not represent the full legal landscape. Faith-focused businesses must be prepared that a refusal of service that is permissible in one municipality may still violate the law somewhere else. For instance, the State of Kentucky has relatively lenient laws regarding customer discrimination. State law covers a narrow list of protected classes, which does not include personal characteristics or gender identity (Ky. Rev. Stat. § 344.120, 2025). Meanwhile, the municipality of Lexington, Kentucky, passed a fairness ordinance that expands protections based on sex, disability, age, personal characteristics, and gender identity (Lexington-Fayette Urban County Code of Ordinances § 2-33, 2025). This local protection provided the legal basis for the complaint against the Kentucky T-shirt printer who refused to produce shorts for a Lexington Pride Festival (*Lexington-Fayette Urban County Human Rights Commission v. Hands On Originals*, 2019).

7. Recommendations for Christian-Owned and Operated

For faith-conscious businesses, public accommodation laws represent genuine risk. But despite the complexity, uncertainty, instability, and inconsistency of the legal environment, a synthesis of case law and scholarly literature shows there are workable paths forward. There are steps Christian-owned businesses can take to reduce their legal exposure without completely abandoning their religious commitments. The following recommendations are intended to help these businesses achieve a balance between legal prudence, respect for customer dignity, and the preservation of religious convictions.

The case examples above clearly show the value of preparation. Preparation should begin with a legal audit of goods, services, facilities, and likely points of conflict. Legal exposure is largely dependent on what the business offers (Civil Rights Division, n.d.). Ordinary goods present little risk, but custom expressive products or wedding-related services offer particular dangers. Risk can also be dependent on the type of establishment (Thomas, 2021). In addition, it is important to understand the nuances of local and state statutes, beyond the protections of Title II (Harvard Law Review, 2023). This suggests involving jurisdiction-specific legal counsel, particularly in highly contested areas (NCSL, 2025). A legal audit could identify which product and service offerings are most likely to trigger conflicts over marriage, sexuality, religion, or even localized political expression.

Once the points of potential conflict have been identified, businesses should develop clear, written, neutral service policies around these areas. These policies must carefully distinguish customer identity from message or conduct (Banzhaf, 2017). Refusing service based on who the customer is falls squarely within the legal danger zone, while declining to participate in objectionable expression or behavior falls within a more defensible grey zone (303 Creative LLC v. Elenis, 2023; Thomas, 2021). Policies should outline how all customers will be served equally, while defining any messages, events, products, or conduct that will not be supported. These policies should be written, objective, and public facing, when appropriate. They must focus on content, conduct, facility use, safety, and mission fit, not customer status (Cole, 2024b).

Once service policies have been written, it is critical to prepare employees to face potential moments of conflict. This means training. Owners, managers, and especially frontline employees need to be coached to apply policies consistently and respectfully (Cole, 2024b). All participants in the business should know what the policies say, what they do not say, when to escalate a request, and how to explain refusals without being disrespectful, self-righteous, or rude. Spontaneous comments, emotional reactions, and selective enforcement undermine well-crafted, legally defensible policies (*Hager v. Brinker Texas, Inc.*, 2024).

One of the primary lessons from case law is that religious sincerity alone does not create any legal exemptions (*Employment Division, Department of Human Resources of Oregon v. Smith*, 1990). There is no broad right for Christian business owners to refuse service simply because a request conflicts with their religious convictions (*Fatihah v. Neal*, 2017). That being the case, hard choices may be necessary. A business may need to avoid public accommodation obligations altogether by restructuring into an alternative form, like a private social club (*Daniel v. Paul*, 1969; CBS News Minnesota, 2012). Or the business might have to consider existing high-risk service lines that will predictably expose the owner to conflicts, like custom products for weddings (*Masterpiece Cakeshop v. Colorado Civil Rights Commission*, 2018). Careful structure and service line decisions can greatly reduce legal exposure and prevent years of potential business disruption, public controversy, and costly litigation (Slevin, 2021).

8. Conclusion

Many Christian business owners feel frustration at the prospect of having to compromise their religious convictions to operate a business. While these feelings have been amplified by media coverage and activist efforts, they are not completely unfounded (Alliance Defending Freedom, 2018; Chung, 2017). Continued litigation confirms the issues are still unsettled in law. In 2026, the city of Louisville agreed to pay a Christian photographer $800,000 in attorney's fees after a federal court prohibited application of the city's Fairness Ordinance to her business for particular weddings (Suckow, 2026; Waiss, 2026).

There is a legitimate need to balance faith-informed business practices with legal compliance. Compliance does not require abandonment of conviction, but it might require constraint and planning (McConnell et al., 2016). Fortunately, there are reasonable actions that can be taken to minimize legal exposure while preserving meaningful opportunities for religious expression (Cole, 2024b).

The central legal lesson is that Title II and related laws do not generally allow businesses to refuse customers based on their identity (*Employment Division, Department of Human Resources of Oregon v. Smith*, 1990; *State v. Arlene's Flowers*, 2019). However, there is some room for carefully defined boundaries around accepted conduct, expressive messages, facility use, and product categories (Banzhaf, 2017; *Brush & NIB Studio, LC v. City of Phoenix*, 2019). A proactive approach to public accommodation laws, including identifying potential conflicts in advance, preparing neutral service policies, training employees for consistency, and seeking appropriate legal counsel, can reduce risk (*Lexington-Fayette Urban County Human Rights Commission v. Hands On Originals*, 2019).

Ultimately, the goal is not for Christian business owners to conceal their faith or abandon their convictions. Nor should public accommodation laws be treated as an enemy to fear and resist at every turn. After all, serving customers with dignity and respect is compatible both with faith and legal tenets (Gregory, 2011; May et al., 2004). The best path is one of disciplined prudence, ensuring that religious commitments are expressed consistently and lawfully. Especially while the legal environment remains unsettled, such prudence is the wisest way to remain both faithful and responsible (Kline, 2023; McConnell et al., 2016; Movsesian, 2019).

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Conflicts of Interest

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