



# AMERICAN ATHEISTS

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March 12, 2024

The Honorable Sen. John A. Hoffman  
Chair, Senate Human Services Committee  
2111 Minnesota Senate Building  
95 University Ave. W  
St. Paul, Minnesota 55155

The Honorable Rep. Peter Fischer  
Chair, House Human Services Policy Committee  
551 State Office Building  
St. Paul, Minnesota 55155

**Re: SUPPORT HF 3486/SF 3459, American Atheists letter of support for Minnesota Recovery Options Act**

Dear Chairperson Hoffman, Chairperson Fischer, and Members of Senate Human Services Committee and House Human Services Policy Committee:

American Atheists, on behalf of its over 1,000 constituents in Minnesota, writes in support of HF 3486/SF 3459, the Minnesota Recovery Options Act. This bill would ensure that, when Minnesotans are required by the state to receive treatment for substance use disorders, they can receive appropriate treatment without religious coercion. Under current Minnesota law, individuals in the criminal legal system can be required to participate in religious treatment programs that conflict with their beliefs, which is unconstitutional and can hinder successful treatment. Passing HF 3486/SF 3459 will improve access to appropriate substance use disorder treatment, while protecting every Minnesotan's right to religious freedom. We urge you to pass this critical measure to protect the health, well-being, and civil rights of Minnesotans.

American Atheists is a national civil rights organization dedicated to equality for atheists and other nonreligious people. We protect the rights of atheists, advance social inclusion, and empower nonreligious people through advocacy, education, and community building. American Atheists supports secular recovery options and believes that no one should be forced by the state to participate in a religious treatment program that violates their freedom of religion.

Effective treatment for substance use disorders is essential to reduce crime and recidivism. In Minnesota, approximately 90% of incarcerated people are diagnosed with substance use disorders,<sup>1</sup> and 85% of people newly admitted to prison are referred to chemical dependency treatment.<sup>2</sup> Too often, however, individuals are required by the state to participate in religious programs that conflict with their beliefs and can hinder successful treatment. For example, 12-step programs such as Alcoholics Anonymous and Narcotics Anonymous are ubiquitous, but such programs have religious or spiritual elements that many object to. Approximately 27% of

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<sup>1</sup> Minnesota Department of Corrections. (n.d.). Substance Use Disorder Treatment. Available at [https://mn.gov/doc/assets/Substance%20Use%20Disorder%20Treatment\\_tcm1089-413914.pdf](https://mn.gov/doc/assets/Substance%20Use%20Disorder%20Treatment_tcm1089-413914.pdf).

<sup>2</sup> National Institute of Justice. (n.d.). CrimeSolutions - The Evidence-based Guide for Justice Agencies in Search Practices and Programs. Available at <https://crimesolutions.ojp.gov/ratedprograms/150#1-0>.

Minnesotans are religiously unaffiliated and 5% are religious minorities,<sup>3</sup> so it is essential that a diverse range of treatment programs for substance use disorders be available, rather than a one-size-fits-all approach.

In fact, in a national survey of nearly 34,000 nonreligious people, American Atheists found that there is rampant discrimination in substance use disorder treatment programs.<sup>4</sup> Nearly one in six nonreligious participants (15.2%) reported that they encountered discrimination because of their nonreligious identity when engaging with substance use disorder treatment programs. For example, one participant said that: “As a recovering addict, I have been mocked, ridiculed and told I have no chance of recovery unless I accept spiritual principles and believe in some deity.” Unfortunately, this is not an uncommon experience, and it can have a dramatically negative impact on both recovery and mental health. We found that nonreligious people who had faced discrimination in substance use disorder treatment were 71.4% more likely to experience depression than other participants.

Moreover, some 12-step programs discourage the use of medication-assisted treatment (MAT) for alcohol and opioid use disorders.<sup>5</sup> The Substance Abuse and Mental Health Services Administration (SAMHSA) explains that medication-assisted treatment, along with appropriate therapy, has been shown to improve patient survival, increase retention in treatment, decrease criminal activity among people with substance use disorders, and increase patient’s ability to maintain employment.<sup>6</sup> In instances where people in the criminal legal system are required to participate in programs that discourage MAT, it may deprive them of treatment options they need to recover.

The Minnesota Recovery Options Act will address these issues by encouraging agencies to make a range of appropriate treatment programs available and ensure that individuals who object to religious substance use disorder treatment programs are able to access appropriate alternative programs.

This bill will also prevent costly lawsuits brought by people defending their constitutional rights. Courts have repeatedly upheld defendants’ rights to avoid being coerced to participate in religious substance use disorder treatment programs that conflict with their beliefs. For example, in a recent West Virginia case brought by American Atheists, our client, Andrew Miller, won a preliminary injunction to prevent the state from forcing him to participate in deeply religious 12-

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<sup>3</sup> PRRI. (2022). Religious Landscape: Minnesota. [Online]. Available at <https://ava.prri.org/#religious/2022/States/religion/m/US-MN>

<sup>4</sup> Frazer, S., El-Shafei, A., Gill, A.M. (2020). *Reality Check: Being Nonreligious in America*. Cranford, NJ: American Atheists. Available at [www.secularsurvey.org](http://www.secularsurvey.org).

<sup>5</sup> Duwe, G., & King, M. (2013). Can Faith-Based Correctional Programs Work? An Outcome Evaluation of the InnerChange Freedom Initiative in Minnesota. *International Journal of Offender Therapy and Comparative Criminology*, 57(7), 813-841. <https://doi.org/10.1177/0306624X12439397>

<sup>6</sup> SAMHSA. (n.d.). Medications for Substance Use Disorders. Available at <https://www.samhsa.gov/medications-substance-use-disorders>.

step programming to qualify for parole.<sup>7</sup> There have been numerous other cases in different jurisdictions where courts have found that 12-step programs are inherently religious. The Minnesota Recovery Options Act would protect everyone's right to religious freedom by ensuring that no one is required to participate in religious substance use disorder treatment programs that conflict with their beliefs.

Substance use disorders are serious health issues, and everyone should be able to receive appropriate treatment that aligns with their needs and beliefs. No one should ever be forced by the state to take part in religious programming they object to, and their recovery and freedom should never depend on it. It is essential to promote inclusive and effective recovery options for all Minnesotans. We strongly urge you to pass this critical bill. If you have any questions regarding American Atheists' support for HF 3486/SF 3459, please contact me by email at [agill@atheists.org](mailto:agill@atheists.org).

Sincerely,



Alison Gill, Esq.  
Vice President, Legal & Policy  
American Atheists

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<sup>7</sup> *Miller v. Marshall*, Civil Action 2:23-cv-00304 (S.D.W. Va., Jul. 18, 2023).