## Guidance Q&A

***Question 2:*** Do the physical qualification requirements of the FMCSRs infringe upon a person’s religious beliefs if such beliefs prohibit being examined by a licensed doctor of medicine or osteopathy?

***Guidance:*** No. To determine whether a governmental regulation infringes on a person’s right to freely practice his religion, the interest served by the regulation must be balanced against the degree to which a person’s rights are adversely affected. *Biklen v. Board of Education*, 333 F. Supp. 902 (N.D.N.Y. 1971) aff’d 406 U.S. 951 (1972).

If there is an important objective being promoted by the requirement and the restriction on religious freedom is reasonably adapted to achieving that objective, the requirement should be upheld. *Burgin v. Henderson*, 536 F.2d 501 (2d. Cir. 1976). Based on the tests developed by the courts and the important objective served, the regulation meets Constitutional standards. It does not deny a driver his First Amendment rights.