

1 SB13
2 215329-2
3 By Senators Orr, Weaver, Livingston, Jones, Butler, Melson,
4 Williams, Scofield, Barfoot, Chesteen, Allen, Elliott, Gudger
5 and Price
6 RFD: Finance and Taxation General Fund
7 First Read: 28-OCT-21

8 SYNOPSIS: This bill would prohibit employers, places
9 of public accommodation, and occupational licensing
10 boards from discriminating against an individual
11 based on immunization status.

12 This bill would prohibit any state or local
13 governmental body from requiring an employer or
14 public accommodation to discriminate against
15 individuals based on immunization status.

16 This bill would also authorize the Attorney
17 General to enforce this act and to defend an
18 employer, a place of public accommodation, or an
19 occupational licensing board who is subject to
20 certain federal fines, penalties, or mandates in
21 violation of this state's immunization law.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Relating to vaccines; to prohibit an employer,
2 public accommodation, or occupational licensing board from
3 discriminating based on an individual's immunization status;
4 to prohibit governmental bodies from requiring an employer or
5 public accommodation to discriminate based on immunization
6 status; and to authorize the Attorney General to enforce this
7 act and to defend an employer, a place of public
8 accommodation, or an occupational licensing board in certain
9 situations.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. This act shall be known and may be cited
12 as the Health Care Discrimination Prevention Act.

13 Section 2. (a) For the purposes of this section, the
14 following terms shall have the following meanings:

15 (1) DISCRIMINATE OR DISCRIMINATION.

16 a. In employment, the term means the discharge,
17 refusal to hire, refusal to promote, demotion, harassment,
18 segregation, or discrimination in matters of compensation or
19 benefits against an employee. This term includes any
20 imposition, requirement, or burden placed on one class of
21 employees.

22 b. In public accommodations, the term means the
23 denial of the opportunity of an individual or class to
24 participate in an equal manner as all other individuals, not
25 separate or segregated, or to benefit equally as all others
26 from the entry, goods, services, facilities, privileges,

1 advantages, or accommodations of a place of public
2 accommodation.

3 (2) EMPLOYER. Any person that accepts the services
4 of another, including, but not limited to, the services of an
5 employee, independent contractor, or volunteer.

6 (3) IMMUNIZATION STATUS. Whether an individual has
7 the presence or absence of antibodies or has received or not
8 received any vaccination administered for the purpose of
9 preventing an infectious disease.

10 (b) An employer or prospective employer shall not
11 discriminate against a qualified individual on the basis of
12 immunization status with regard to job application procedures,
13 the hiring, advancement, or discharge of employees, employee
14 compensation, job training, or other terms, conditions, or
15 privileges of employment.

16 (c) A place of public accommodation shall not
17 discriminate against any individual on the basis of
18 immunization status in the full and equal enjoyment of the
19 goods, services, facilities, privileges, advantages, or
20 accommodations of the place of public accommodation.

21 (d) No state agency or department, or political
22 subdivision of the state, may demand, require, order, or place
23 fines on an employer, potential employer, or place of public
24 accommodation in an attempt to force the employer, potential
25 employer, or place of public accommodation to discriminate
26 against a qualified individual based on his or her
27 immunization status.

1 (e) (1) Any individual who is subject to
2 discrimination by an employer, potential employer, or place of
3 public accommodation may seek a preliminary or permanent
4 injunction before a circuit court of competent jurisdiction to
5 enforce this section. No security in any form shall be
6 required for an action seeking a preliminary or permanent
7 injunction.

8 (2) The circuit court may enter any orders or
9 decrees necessary to remedy a violation of this section. The
10 court may assess penalties and award reasonable attorney fees
11 and costs, including expert fees, to the prevailing party.

12 (f) (1) The Attorney General may bring a civil cause
13 of action against any employer, potential employer, or place
14 of public accommodation for a violation of this section.

15 (2) If an employer, potential employer, or place of
16 public accommodation is subject to federal fines, penalties,
17 or mandates in violation of this section, the Attorney General
18 may defend or participate in the suit on behalf of the
19 employer, potential employer, or place of public accommodation
20 in order to protect the right to comply with this section.

21 Section 3. (a) An occupational licensing board, as
22 defined in Section 41-9A-1, Code of Alabama 1975, shall not
23 deny, suspend, revoke, or refuse to issue, renew, or reinstate
24 a license, as defined by Section 41-9A-1, Code of Alabama
25 1975, to an employer, as defined in Section 2, potential
26 employer, place of public accommodation, or other applicant
27 based on immunization status, as defined in Section 2.

1 (b) (1) Any individual who is subject to any adverse
2 action as described in subsection (a) by an occupational
3 licensing board may seek a preliminary or permanent injunction
4 before a circuit court of competent jurisdiction to enforce
5 this section. No security in any form shall be required for an
6 action seeking a preliminary or permanent injunction.

7 (2) The circuit court may enter any orders or
8 decrees necessary to remedy a violation of this section. The
9 court may assess penalties and award reasonable attorney fees
10 and costs, including expert fees, to the prevailing party.

11 (c) (1) The Attorney General may bring a civil cause
12 of action against any occupational licensing board for
13 violations of this section.

14 (2) If an occupational licensing board is subject to
15 federal fines, penalties, or mandates in violation of this
16 section, the Attorney General may defend or participate in the
17 suit on behalf of the occupational licensing board in order to
18 protect the board's ability to comply with this section.

19 Section 4. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law.