

1 HB8  
2 215329-2  
3 By Representatives Mooney, Wingo, Hanes, Sorrell and Holmes  
4 RFD: State Government  
5 First Read: 29-OCT-21

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

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

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

A BILL  
TO BE ENTITLED  
AN ACT

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.