

**SB129 ENROLLED**



1 SB129

2 48A1R3R-2

3 By Senators Barfoot, Roberts, Elliott, Waggoner, Gudger,

4 Shelnut, Williams, Price, Chesteen, Orr, Jones, Butler,

5 Allen, Givhan, Weaver, Livingston, Melson, Sessions,

6 Albritton, Bell, Kelley, Carnley, Chambliss, Kitchens, Stutts

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8 RFD: County and Municipal Government

9 First Read: 20-Feb-24



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1 Enrolled, An Act,

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5 Relating to diversity, equity, and inclusion; to  
6 prohibit certain public entities from maintaining diversity,  
7 equity, and inclusion offices and from sponsoring diversity,  
8 equity, and inclusion programs; to provide prohibitions on the  
9 promotion, endorsement, and affirmation of certain divisive  
10 concepts in certain public settings; with exceptions to  
11 provide that certain circumstances are not prohibited; to  
12 require public institutions of higher education to designate  
13 restrooms on the basis of biological sex; and to authorize  
14 certain penalties for violation.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. For the purposes of this act, the following  
17 terms have the following meanings:

18 (1) CONTRACTOR. Any individual or entity that provides  
19 services to a state agency, public institution of higher  
20 education, or local board of education. This term does not  
21 include an individual or entity that provides construction  
22 services.

23 (2) DIVISIVE CONCEPTS. Any of the following concepts:

24 a. That any race, color, religion, sex, ethnicity, or  
25 national origin is inherently superior or inferior.

26 b. That individuals should be discriminated against or  
27 adversely treated because of their race, color, religion, sex,  
28 ethnicity, or national origin.



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29           c. That the moral character of an individual is  
30 determined by his or her race, color, religion, sex,  
31 ethnicity, or national origin.

32           d. That, by virtue of an individual's race, color,  
33 religion, sex, ethnicity, or national origin, the individual  
34 is inherently racist, sexist, or oppressive, whether  
35 consciously or subconsciously.

36           e. That individuals, by virtue of race, color,  
37 religion, sex, ethnicity, or national origin, are inherently  
38 responsible for actions committed in the past by other members  
39 of the same race, color, religion, sex, ethnicity, or national  
40 origin.

41           f. That fault, blame, or bias should be assigned to  
42 members of a race, color, religion, sex, ethnicity, or  
43 national origin, on the basis of race, color, religion, sex,  
44 ethnicity, or national origin.

45           g. That any individual should accept, acknowledge,  
46 affirm, or assent to a sense of guilt, complicity, or a need  
47 to apologize on the basis of his or her race, color, religion,  
48 sex, ethnicity, or national origin.

49           h. That meritocracy or traits such as a hard work ethic  
50 are racist or sexist.

51           (3) DIVERSITY, EQUITY, AND INCLUSION PROGRAM. Any  
52 program, class, training, seminar, or other event where  
53 attendance is based on an individual's race, sex, gender  
54 identity, ethnicity, national origin, or sexual orientation,  
55 or that otherwise violates this act. This term does not  
56 include programs, classes, trainings, seminars, or other



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57 events that are necessary to comply with applicable state law,  
58 federal law, or court order.

59 (4) PUBLIC INSTITUTION OF HIGHER EDUCATION. As defined  
60 under Section 16-5-1, Code of Alabama 1975, which includes all  
61 universities governed by constitutionally created boards of  
62 trustees.

63 (5) STUDENT. Any individual enrolled in a public K-12  
64 school or public institution of higher education.

65 Section 2. A state agency, local board of education, or  
66 public institution of higher education may not do any of the  
67 following:

68 (1) Sponsor any diversity, equity, and inclusion  
69 program or maintain any office, physical location, or  
70 department that promotes diversity, equity, and inclusion  
71 programs, as defined in subdivision (3) of Section 1.

72 (2) Direct or compel a student, employee, or contractor  
73 to personally affirm, adopt, or adhere to a divisive concept.

74 (3) Require its students, employees, or contractors to  
75 attend or participate in any diversity, equity, and inclusion  
76 program or any training, orientation, or course work that  
77 advocates for or requires assent to a divisive concept.

78 (4) Require a student, employee, or contractor to share  
79 his or her personal point of view on any divisive concept  
80 outside of an academic setting, as provided in Section 4(3)b.

81 (5) Require its students, employees, or contractors to  
82 participate, as part of any required curriculum or mandatory  
83 professional training, in an activity that involves lobbying  
84 at the state or local level for legislation related to a



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85 divisive concept.

86 (6) Penalize or discriminate against a student,  
87 employee, or contractor on the basis of his or her refusal to  
88 support, believe, endorse, embrace, confess, or otherwise  
89 assent to a divisive concept or diversity statement.

90 (7) Condition enrollment or attendance in a class,  
91 training, or orientation solely on the basis of race or color.

92 (8) Authorize or expend funding, or apply for or accept  
93 a grant, federal funding, or private funding, for the purpose  
94 of compelling assent to any divisive concept or any other  
95 purpose prohibited in this act, provided that such funding may  
96 be provided to student, faculty, or staff organizations or  
97 associations.

98 Section 3. All state agencies and political  
99 subdivisions, including local boards of education and public  
100 institutions of higher education, may discipline or terminate  
101 the employment of any employee or contractor who knowingly  
102 violates this act, provided that:

103 (1) Any disciplinary action or termination of an  
104 employee of a public institution of higher education shall  
105 remain subject to relevant policies established by the  
106 institution.

107 (2) Termination of an employee or contractor of a local  
108 board of education remains subject to the appeal of the  
109 termination to the local board of education or State Board of  
110 Education if applicable, or, if applicable, the Teacher  
111 Accountability Act, Chapter 24B of Title 16, Code of Alabama  
112 1975, and the Students First Act, Chapter 24C of Title 16,



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113 Code of Alabama 1975.

114 (3) No state agency or political subdivision may  
115 terminate a contract or contractor under this section unless a  
116 contractor in this state knowingly violated this act in the  
117 course of his or her contractual obligation.

118 Section 4. Nothing in this act:

119 (1) Prevents student, staff, or faculty organizations  
120 or associations from hosting diversity, equity, and inclusion  
121 programs or discussions that may involve divisive concepts,  
122 provided that no state funds are used to sponsor these  
123 programs. If a student, staff, or faculty organization or  
124 association hosts an event pursuant to this subdivision, it  
125 shall identify the sponsor of the event at the event and in  
126 any advertisements relating to the event.

127 (2) Prevents an employee or a contractor of a state  
128 agency, local board of education, or public institution of  
129 higher education who provides, as part of his or her job  
130 duties, orientation, course work, or training from responding  
131 to questions that are raised by participants in the  
132 orientation, course work, or training and that pertain to  
133 divisive concepts or diversity, equity, and inclusion.

134 (3)a. Prohibits a public institution of higher  
135 education from providing any instruction or taking any action  
136 in furtherance of satisfying any accreditation standard or  
137 requirement.

138 b. Prohibits a public institution of higher education  
139 from authorizing the teaching or discussion of any divisive  
140 concept in an objective manner and without endorsement as part



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141 of a larger course of academic instruction, provided the  
142 institution and its employees do not compel assent to any  
143 divisive concept and otherwise comply with the provisions of  
144 this act.

145 c. Prohibits the required collection or reporting of  
146 demographic data by public institutions of higher education.

147 (4) Prohibits the teaching of topics or historical  
148 events in a historically accurate context.

149 (5) Prohibits an institution of higher education from  
150 performing research, collecting data, engaging in recruiting  
151 and outreach programs, offering academic support services,  
152 engaging in clinical trials, or providing medical, mental, or  
153 any health care or clinical services targeted to support  
154 individuals of any specific demographic.

155 (6) Prevents state agencies from promoting racial,  
156 cultural, or ethnic diversity or inclusiveness, provided these  
157 efforts are consistent with the requirements of this act.

158 (7) Prohibits a public institution of higher education  
159 from providing space or ancillary services to any student or  
160 employee on a non-discriminatory basis, including, but not  
161 limited to, support and guidance to ensure compliance with  
162 applicable university policies and laws, assistance with  
163 security needs, and registration of events.

164 (8) Prohibits housing, athletic programming, or social  
165 organizations that are segregated by sex. Each public  
166 institution of higher education shall ensure that every  
167 multiple occupancy restroom be designated for use by  
168 individuals based on their biological sex, as defined by



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169 Section 16-1-54, Code of Alabama 1975.

170 (9) May be construed to inhibit or violate the First  
171 Amendment rights of any student or employee, or to undermine  
172 the duty of a public institution of higher education to  
173 protect, to the greatest degree, academic freedom,  
174 intellectual diversity, and free expression.

175 (10) Shall be deemed to affect or revise any provision  
176 in state law requiring that membership of a state board,  
177 commission, or authority be inclusive and reflect the racial,  
178 gender, geographic, urban, rural, and economic diversity of  
179 the state, nor impact any public official appointed to a state  
180 board, commission, or authority as of October 1, 2024.

181 (11) May be construed to affect or limit the activities  
182 of the Alabama Office of Minority Affairs.

183 Section 5. It is the intent of the Legislature that all  
184 constitutionally created boards of trustees comply with the  
185 requirements of this act.

186 Section 6. The provisions of this act are severable. If  
187 any part of this act is declared invalid or unconstitutional,  
188 the declaration shall not affect the part which remains.

189 Section 7. This act shall become effective on October  
190 1, 2024.





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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB129

Senate 22-Feb-24

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,  
Secretary.

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House of Representatives  
Amended and passed: 07-Mar-24

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Senate concurred in House amendment 19-Mar-24

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By: Senator Barfoot