

1 HB10
2 215261-1
3 By Representatives Marques, Dismukes, Isbell, Wingo, Fincher,
4 Sorrells, Brown (C), Stringer, McMillan, Sells, Sorrell,
5 Meadows, Lipscomb, Shiver, Reynolds, Robertson, Faust, Kiel,
6 Hurst, Kitchens, Clouse, Standridge, Whitt, Drake, Carns and
7 Garrett
8 RFD: Health
9 First Read: 01-NOV-21

8 SYNOPSIS: Existing law prohibits the issuance of
9 vaccine or immunization passports or other
10 standardized documentation for the purpose of
11 certifying the immunization status of an
12 individual, except when required for admission to a
13 public K-12 school.

14 This bill would authorize the Attorney
15 General to pursue civil actions to enjoin a
16 threatened or continuing violation of this
17 prohibition.

18 Existing law provides that an institution of
19 education may continue to require a student to
20 prove vaccination status as a condition of
21 attendance only for the specific vaccines that were
22 already required by the institution as of January
23 1, 2021, provided it offers certain exemptions.

24 This bill would prohibit an institution of
25 education from inquiring about a student's
26 vaccination status without parental consent.

1 This bill would prohibit an entity, an
2 institution of education, or business subject to
3 this bill from discriminating against an individual
4 who, when covered by this bill, refuses to provide
5 proof of immunization.

6 This bill would also provide for a private
7 right of action by an individual injured by a
8 violation of this bill.

9
10 A BILL
11 TO BE ENTITLED
12 AN ACT

13
14 Relating to vaccines; to amend Section 1 of Act
15 2021-493, now appearing as Section 22-11B-5, Code of Alabama
16 1975; to authorize the Attorney General to pursue civil
17 actions to enjoin a threatened or continuing violation of
18 existing law pertaining to vaccine passports; to prohibit
19 institutions of education from inquiring about a student's
20 vaccination status without parental consent; to prohibit
21 discrimination against an individual based on refusal to
22 provide proof of immunization; and to provide for private
23 rights of action.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 1 of Act 2021-493, now appearing
26 as Section 22-11B-5, Code of Alabama 1975, is amended to read
27 as follows:

1 "§22-11B-5.

2 "(a) A state or local government entity, or any of
3 its officers, ~~or~~ agents, or contractors, may not issue vaccine
4 or immunization passports, vaccine or immunization passes, or
5 any other standardized documentation for the purpose of
6 certifying the immunization status of an individual, or
7 otherwise require the publication or sharing of immunization
8 records or similar health information for an individual,
9 except as otherwise required by Chapter 30 of Title 16 or
10 other applicable state law. The Attorney General may commence
11 a civil action to enjoin a threatened or continuing violation
12 of this subsection.

13 "(b) A state or local government entity or agency,
14 or any of its officers or agents, may not require an
15 individual to receive an immunization or present documentation
16 of an immunization as a condition for receiving any government
17 service or for entry into a government building, except as
18 otherwise required by Chapter 30 of Title 16 or other
19 applicable state law.

20 "(c) Institutions of education may not inquire into
21 the vaccination status of a student without parental consent.
22 Institutions of education may continue to require a student to
23 prove vaccination status as a condition of attendance only for
24 the specific vaccines that were already required by the
25 institution as of January 1, 2021, provided that the
26 institutions give an exemption for students with a medical
27 condition or religious belief that is contrary to vaccination.

1 "(d) An entity or individual doing business in this
2 state may not refuse to provide any goods or services, or
3 refuse to allow admission, to a customer based on
4 the customer's immunization status or lack of documentation
5 that the customer has received an immunization.

6 "(e) No entity, institution of education, or
7 business subject to this section shall discriminate against an
8 individual who, when covered by this section, refuses to
9 provide proof of immunization.

10 "(f) An individual injured by a violation of this
11 section may bring a civil action and recover damages, together
12 with costs and disbursements, including reasonable attorney
13 fees, and receive other equitable relief as determined by the
14 court."

15 Section 2. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.