

## HB20 INTRODUCED



1 HB20  
2 77N6EUV-1  
3 By Representative Givan  
4 RFD: Judiciary  
5 First Read: 04-Feb-25  
6 PFD: 08-Jul-24



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SYNOPSIS:

This bill would make it unlawful for a person to deny an individual full and equal enjoyment of public accommodations based upon the individual's weight or body size.

This bill would also make it unlawful for an employer to discriminate against an applicant or employee based upon the applicant or employee's weight or body size and would create a cause of action against an employer who does so.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to discrimination; to make it unlawful for a person to deny an individual full and equal enjoyment of public accommodations based upon the individual's weight or body size; to make it unlawful for an employer to discriminate against an applicant or employee based upon the applicant or employee's weight or body size; and to create a cause of action against an employer who does so.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known as the "Nick



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29 Arjomand No Weight Discrimination Act."

30 Section 2. The Legislature of the state finds that  
31 weight discrimination is a form of unjust and unfair treatment  
32 that can result in significant harm to individuals. The  
33 purpose of this act is to prohibit weight discrimination and  
34 promote equality, dignity, and respect for all individuals in  
35 the State of Alabama.

36 Section 3. (a) As used in this section, "place of  
37 public accommodation" includes any place, store, or other  
38 establishment, either licensed or unlicensed, which supplies  
39 goods or services to the general public which solicits or  
40 accepts the patronage or trade of the general public, or which  
41 is supported directly or indirectly by government funds.

42 (b) It is unlawful for a person to deny an individual  
43 the full and equal enjoyment of the goods, services,  
44 facilities, privileges, advantages, and accommodations of a  
45 place of public accommodation based upon the individual's  
46 weight or body size.

47 Section 4. (a) It is an unlawful employment practice  
48 for an employer to fail or refuse to hire or promote or to  
49 discharge any individual, or to otherwise discriminate against  
50 any individual with respect to the individual's compensation,  
51 terms, conditions, or privileges of employment because of the  
52 individual's weight or body size.

53 (b) An employer may not discriminate or take any  
54 adverse employment action against any individual because the  
55 individual has done any of the following:

56 (1) Opposed any practice made an unlawful employment



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57 practice by this section.

58 (2) Made a charge in an investigation, proceeding, or  
59 hearing under this section.

60 (3) Testified or otherwise made a statement in an  
61 investigation, proceeding, or hearing under this section.

62 (4) Assisted in an investigation, proceeding, or  
63 hearing under this section.

64 (5) Participated in any manner in an investigation,  
65 proceeding, or hearing under this section.

66 (c) An employer shall be deemed to have engaged in an  
67 action prohibited under subsection (a) if the individual's  
68 weight or body size is a motivating factor in the employer's  
69 action, unless the employer can prove that there was a  
70 legitimate, nondiscriminatory reason for the adverse  
71 employment action.

72 (d) An employer shall be deemed to have engaged in an  
73 action prohibited under subsection (b) if the individual's  
74 opposition to any practice made unlawful by this section, or  
75 charge, testimony, assistance, or participation in any manner  
76 in an investigation, proceeding, or hearing under this section  
77 is a motivating factor in the employer's action, unless the  
78 employer can prove that there was a legitimate,  
79 nondiscriminatory reason for the adverse employment action.

80 Section 5. (a) Any individual whose rights under  
81 Section 4 have been violated by an employer may bring a cause  
82 of action against the employer.

83 (b) In any action filed under this section, the court  
84 may award relief and require the employer to do any one or



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85 more of the following:

86 (1) Comply with Section 4.

87 (2) Compensate the individual for any loss of wages or  
88 benefits suffered by reason of the employer's failure to  
89 comply with Section 4.

90 (3) Pay the individual liquidated damages in an amount  
91 equal to the amount of lost wages or benefits suffered by  
92 reason of the employer's failure to comply with Section 4, if  
93 the court determines that the employer's failure to comply was  
94 willful.

95 (c) No fees or court costs may be charged or taxed  
96 against any individual claiming a right under Section 4.

97 (d) If an individual who obtained private counsel to  
98 bring an action or proceeding under Section 4 prevails in the  
99 action or proceeding, the court may award the individual  
100 reasonable attorney fees, expert witness fees, and other  
101 litigation expenses.

102 Section 6. This act shall become effective on October 1,  
103 2025.