

1 HB9  
2 215063-3  
3 By Representatives Whorton, Hanes, Holmes, Meadows and Sorrell  
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.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to vaccinations; to prohibit an employer, a place of public accommodation, and an occupational licensing board from discriminating based on immunization status.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Alabama Health Freedom Act.

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

(1) DISCRIMINATE or DISCRIMINATION.

a. In employment, the term means the discharge, refusal to hire, refusal to promote, demotion, harassment,

1 segregation, or discrimination in matters of compensation or  
2 benefits against an employee. This term includes any  
3 imposition, requirement, or burden on one class of employees  
4 that is not mandated for all other employees.

5 b. In public accommodations, the term means the  
6 denial of the opportunity of an individual or class to  
7 participate in an equal manner as all other individuals, not  
8 separate or segregated, or to benefit equally as all others  
9 from the goods, services, facilities, privileges, advantages,  
10 or accommodations of a place of public accommodation.

11 (2) EMPLOYER. Any person that accepts the services  
12 of another, including, but not limited to, the services of an  
13 independent contractor or volunteer.

14 (3) IMMUNIZATION STATUS. Whether an individual has  
15 the presence or absence of antibodies or has received or not  
16 received any vaccination administered for the purpose of  
17 preventing an infectious disease.

18 (4) PLACE OF PUBLIC ACCOMMODATION. A facility  
19 operated by a person whose operations affect commerce and fall  
20 within at least one of the following categories:

21 a. Places of lodging other than those that contain  
22 not more than five rooms for rent or hire.

23 b. A restaurant, bar, or other establishment that  
24 serves food or drinks.

25 c. A motion picture house, theater, concert hall,  
26 stadium, or other place of exhibition or entertainment.

1           d. An auditorium, convention center, lecture hall,  
2 or other place of public gathering.

3           e. A bakery, grocery store, clothing store, hardware  
4 store, shopping center, or other sales or rental  
5 establishment.

6           f. A laundromat, dry-cleaner, bank, barber shop,  
7 beauty shop, travel service, shoe repair service, funeral  
8 parlor, gas station, office of an accountant or lawyer,  
9 pharmacy, insurance office, professional office of a health  
10 care provider, hospital, or other service establishment.

11          g. A terminal, depot, or other station used for  
12 specified public transportation.

13          h. A museum, library, gallery, or other place of  
14 public display or collection.

15          i. A park, zoo, amusement park, or other place of  
16 recreation.

17          j. A PreK-12 school or two or four year institution  
18 of higher education.

19          k. A day care center, senior citizen center,  
20 homeless shelter, food bank, adoption agency, or other social  
21 service center establishment.

22          l. A gymnasium, health spa, bowling alley, golf  
23 course, or other place of exercise or recreation.

24          (b) An employer or prospective employer shall not  
25 discriminate against a qualified individual on the basis of  
26 immunization status with regard to job application procedures,  
27 the hiring, advancement, or discharge of employees, employee

1 compensation, job training, or other terms, conditions, or  
2 privileges of employment.

3 (c) A place of public accommodation shall not  
4 discriminate against any individual on the basis of  
5 immunization status in the full and equal enjoyment of the  
6 goods, services, facilities, privileges, advantages, or  
7 accommodations of any place of public accommodation by any  
8 private entity who owns, leases, or operates a place of public  
9 accommodation.

10 (d) (1) Any individual who is subject to  
11 discrimination by an employer, potential employer, or place of  
12 public accommodation may bring a civil cause of action against  
13 the employer or place of public accommodation for a violation  
14 of this section. Available remedies include, but are not  
15 limited to, the following:

- 16 a. Injunctive relief.
- 17 b. Compensatory damages.
- 18 c. Punitive damages.

19 (2) Reasonable attorney fees and costs, including  
20 expert fees, shall be awarded to any individual who brings a  
21 civil cause of action under subdivision (1) and prevails.

22 (3) The Attorney General may bring a civil cause of  
23 action against any employer, potential employer, or place of  
24 public accommodation for a violation of this section.

25 Section 3. (a) An occupational licensing board, as  
26 defined in Section 41-9A-1, Code of Alabama 1975, shall not  
27 deny, suspend, revoke, or refuse to issue, renew, or reinstate

1 a license, as defined by Section 41-9A-1, Code of Alabama  
2 1975, because of the immunization status, as defined in  
3 Section 2, of the licensee or applicant for a license.

4 (b) (1) Any individual who is subject to any adverse  
5 action as described in subsection (a) by an occupational  
6 licensing board may bring a civil cause of action against the  
7 occupational licensing board for a violation of this section.  
8 Available remedies include, but are not limited to, the  
9 following:

- 10 a. Injunctive relief.
- 11 b. Compensatory damages.
- 12 c. Punitive damages.

13 (2) Reasonable attorney fees and costs, including  
14 expert fees, shall be awarded to any individual who brings a  
15 civil cause of action under subdivision (1) and prevails.

16 (3) The Attorney General may bring a civil cause of  
17 action against any occupational licensing board for violations  
18 of this section.

19 Section 4. It is the public policy of the state that  
20 all federal acts, laws, orders, rules, and regulations,  
21 whether past, present, or future, that require the residents  
22 of Alabama to receive a vaccine for any purpose is in  
23 violation of the Tenth Amendment to the United States  
24 Constitution and shall be invalid in this state, shall not be  
25 recognized by this state, are specifically rejected by this  
26 state, and shall be considered void and of no effect in this  
27 state.

1                   Section 5. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.