

1 HB74  
2 181372-1  
3 By Representative England  
4 RFD: Judiciary  
5 First Read: 07-FEB-17  
6 PFD: 02/01/2017

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8 SYNOPSIS: This bill would provide that the right of a  
9 person to be free from discrimination because of  
10 race, color, religion, national origin, sex, sexual  
11 orientation, gender identity, disability, or  
12 familial status is a civil right and would provide  
13 remedies for violations.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT

18  
19 Relating to civil rights; to provide that the right  
20 of a person to be free from discrimination because of race,  
21 color, religion, national origin, sex, sexual orientation,  
22 gender identity, disability, or familial status is a civil  
23 right; and to provide remedies for violations.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. For the purposes of this act, the  
26 following terms shall have the following meanings:

1 (1) BECAUSE OF SEX. Includes, but is not limited to,  
2 on account of pregnancy, childbirth, or related medical  
3 conditions.

4 (2) COMPENSATORY DAMAGES. Damages for mental  
5 anguish, loss of dignity, and other intangible injuries. The  
6 term does not include punitive damages.

7 (3) DISABILITY. A physical or mental impairment that  
8 substantially limits a major life function. The term does not  
9 include any of the following:

10 a. Compulsive gambling, kleptomania, or pyromania.

11 b. Current use of illegal drugs or psychoactive  
12 substance use disorders resulting from illegal use of drugs.

13 c. Alcoholism.

14 (4) EMPLOYEE. Does not include any of the following:

15 a. Any individual employed by his or her parents,  
16 spouse, or child.

17 b. An individual participating in a specialized  
18 employment training program conducted by a nonprofit sheltered  
19 workshop or rehabilitation facility.

20 c. An individual employed outside of this state.

21 (5) EMPLOYER. A person who employs nine or more  
22 employees in the state each of 20 or more calendar weeks in  
23 the current or preceding calendar year, or any agent of such  
24 person.

25 (6) GENDER IDENTITY. The actual or perceived gender  
26 related identity, expression, appearance, or mannerisms or

1 other gender related characteristics of an individual,  
2 regardless of the designated sex at birth of the individual.

3 (7) NATIONAL ORIGIN. An individual's or his or her  
4 ancestor's place of origin.

5 (8) PLACE OF PUBLIC RESORT, ACCOMMODATION,  
6 ASSEMBLAGE, OR AMUSEMENT. Any place, store, or other  
7 establishment, either licensed or unlicensed, that supplies  
8 accommodations, goods, or services to the general public, or  
9 that solicits or accepts the patronage or trade of the general  
10 public, or that is supported directly or indirectly by  
11 government funds. The term does not include any of the  
12 following:

13 a. Any lodging establishment which contains not more  
14 than five rooms for rent and which is actually occupied by the  
15 proprietor of such establishment as a residence.

16 b. Any private club or other establishment not in  
17 fact open to the public.

18 c. House of worship.

19 (9) RELIGION. All aspects of religious belief,  
20 observance, and practice.

21 (10) SEXUAL ORIENTATION. Actual or perceived  
22 homosexuality, heterosexuality, or bisexuality.

23 Section 2. (a) The right of an otherwise qualified  
24 person to be free from discrimination because of race, color,  
25 religion, national origin, sex, sexual orientation, gender  
26 identity, disability, or familial status is recognized as and

1 declared to be a civil right. This right shall include, but  
2 not be limited to, all of the following:

3 (1) The right to obtain and hold employment without  
4 discrimination.

5 (2) The right to the full enjoyment of any of the  
6 accommodations, advantages, facilities, or privileges of any  
7 place of public resort, accommodation, assemblage, or  
8 amusement.

9 (3) The right to engage in property transactions,  
10 including to obtain housing, without discrimination.

11 (4) The right to engage in credit and other  
12 contractual transactions without discrimination.

13 (5) The right to vote and participate fully in the  
14 political process.

15 (b) Any person who is injured by an intentional act  
16 of discrimination in violation of subdivisions (2) to (5),  
17 inclusive, of subsection (a) may file a civil action in a  
18 court of competent jurisdiction to enjoin further violations,  
19 to recover compensatory and punitive damages, and, in the  
20 discretion of the court, to recover the cost of litigation and  
21 reasonable attorneys fees.

22 (c) (1) a. Any individual who is injured by employment  
23 discrimination by an employer in violation of subdivision (1)  
24 of subsection (a) may file a civil action in a court of  
25 competent jurisdiction, which may issue an order prohibiting  
26 the discriminatory practices and provide affirmative relief  
27 from the effects of the practices, and award back pay,

1 interest on back pay, and, in the discretion of the court, the  
2 cost of litigation and reasonable attorneys fees.

3 b. No liability for back pay shall accrue from a  
4 date more than two years before the filing of an action.

5 (2) In addition to the remedies under paragraph a.  
6 of subdivision (1), any individual who is injured by  
7 intentional discrimination by an employer in violation of  
8 subdivision (1) of subsection (a) shall be entitled to recover  
9 compensatory damages and punitive damages.

10 (d) Subdivision (1) of subsection (a) does not apply  
11 to the employment of an individual of a particular religion by  
12 a religious corporation, association, or society to perform  
13 work connected with the performance of religious activities by  
14 the corporation, association, or society.

15 (e) This act may not be construed to limit any other  
16 remedies available under law.

17 Section 3. This act shall become effective on the  
18 first day of the third month following its passage and  
19 approval by the Governor, or its otherwise becoming law.