

1 HB214
2 209249-1
3 By Representative Brown (C)
4 RFD: Commerce and Small Business
5 First Read: 02-FEB-21
6 PFD: 01/29/2021

8 SYNOPSIS: Under existing law, an employer is not
9 prohibited from requiring vaccinations for its
10 employees or from taking adverse action against its
11 employees for refusing to receive a vaccination.

12 This bill would prohibit an employer from
13 taking adverse action against an employee or
14 prospective employee based on the employee's
15 immunization status.

16 Under existing law, a ticket issuer for an
17 entertainment event is not prohibited from denying
18 entry to the event based on immunization status.

19 This bill would also prohibit a ticket
20 issuer from denying entry to an entertainment event
21 based on immunization status.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Relating to coronavirus vaccine discrimination; to
2 prohibit employers from taking adverse action against
3 employees or prospective employees based on immunization
4 status; and to prohibit ticket issuers from denying entry to
5 entertainment events based on immunization status.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. (a) For the purposes of this section, the
8 following terms have the following meanings:

9 (1) ADVERSE ACTION. To discharge, refuse to promote,
10 demote, harass during the course of employment, or reduce the
11 compensation of an employee.

12 (2) CORONAVIRUS. Coronavirus disease 2019, commonly
13 abbreviated as "COVID-19," for which the Governor declared a
14 public health emergency on March 13, 2020, or any mutation
15 thereof that is declared a public health emergency under the
16 Emergency Management Act.

17 (3) EMPLOYER. A person in this state that, at any
18 time, employs an individual or individuals who reside in this
19 state to perform services of any nature. The term includes any
20 individual who has control of the payment of wages for
21 services or is the officer, agent, or employee of the
22 individual having control of the payment of wages.

23 (4) IMMUNIZATION STATUS. The status of either having
24 received or not received a vaccination for coronavirus.

25 (5) TICKET ISSUER. An individual or entity providing
26 tickets to an entertainment event, including any of the
27 following:

1 a. The operator of the venue where the entertainment
2 event occurs.

3 b. The sponsor or promoter of an entertainment
4 event.

5 c. A sports team participating in an entertainment
6 event or a league whose teams are participating in an
7 entertainment event.

8 d. A theatre company, musical group, or similar
9 participant in an entertainment event.

10 e. An agent of any individual or entity described in
11 subdivisions a. through d.

12 (b) (1) Notwithstanding any other provision of law,
13 an employer may not take adverse action against an employee or
14 refuse to hire prospective employees based on an employee's
15 immunization status.

16 (2) A current or former employee may pursue a civil
17 cause of action against an employer for any violation of
18 subdivision (1). Available remedies include, but are not
19 limited to, the following:

20 a. Injunctive relief.

21 b. Back pay.

22 c. Punitive damages.

23 (c) A ticket issuer may not penalize, discriminate
24 against, or deny access to an entertainment event to a ticket
25 holder solely because of the ticket holder's immunization
26 status.

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