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3 HOUSE HEALTH COMMITTEE SUBSTITUTE FOR SB9, AS ENGROSSED
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8 SYNOPSIS: This bill would require employers to allow
9 employees to claim an exemption from the COVID-19
10 vaccination for medical reasons or because of
11 sincerely held religious beliefs upon submission of
12 a standard exemption form.

13 This bill would prohibit an employer from
14 terminating an employee for refusing a vaccine if
15 he or she submits a completed exemption form.

16 This bill would authorize an employer to
17 seek a ruling by the Department of Labor before the
18 employer may terminate an employee who has
19 completed an exemption form but refuses a vaccine.
20

21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 Relating to vaccines; to require employers to allow
26 employees to claim an exemption from the COVID-19 vaccination
27 for medical reasons or a sincerely held religious belief; to

1 provide for submission of a form requesting the exemption; to
2 authorize claims with the Department of Labor by employers
3 before terminating an employee on the basis of refusing a
4 vaccine; and to provide an appeal of determinations by the
5 department.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. (a) For purposes of this section, the
8 term "vaccination" means any injection intended to prevent the
9 spread of COVID-19 or minimize the effects of COVID-19,
10 irrespective of whether or not the injection meets the
11 classical definition of vaccine.

12 (b) (1) Any employer that requires an employee to
13 receive a vaccination as a condition of employment shall
14 provide the employee the opportunity to be exempted from the
15 vaccination mandate by submitting to the employer the form
16 described in subsection (c). The employer shall make this form
17 readily available to all employees to whom this section
18 applies, along with direction for submitting the form.

19 (2) Any employee who has completed and submitted an
20 exemption form shall be presumed to be exempt from vaccination
21 as a condition of employment.

22 (c) The exemption form shall read as follows:

23 "Any individual in the State of Alabama who is
24 subject to a requirement that he or she receive one or more
25 COVID-19 vaccinations as a condition of employment may claim
26 an exemption for medical reasons, because the vaccination
27 conflicts with sincerely held religious beliefs, or both.

1 You may request a medical and/or a religious
2 exemption from the COVID-19 vaccine by completing this form
3 and submitting the form to your employer.

4 CHECK ALL EXEMPTIONS THAT APPLY:

5 ___ My health care provider has recommended that I
6 not take the COVID-19 vaccine based on my current health
7 conditions and/or medications.

8 ___ I have previously suffered a severe allergic
9 reaction related to vaccinations or similar injections or
10 medications.

11 ___ I have been diagnosed with COVID-19 in the past
12 12 months.

13 ___ I am immunocompromised such that receiving the
14 COVID-19 vaccine creates a risk to my health.

15 ___ I have another health condition that prevents me
16 from receiving the COVID-19 vaccine. (Attach any relevant
17 information.)

18 ___ I am requesting exemption from the COVID-19
19 vaccine requirements for sincerely held religious beliefs.

20 _____

21 Printed Name

22 _____

23 (Signature and Date)"

24 (d) (1) Except as provided in subdivision (2), an
25 employee may not be terminated on the basis of refusing to
26 receive a vaccination if he or she submits an exemption form.

1 The submission of the completed form creates a presumption
2 that the employee is entitled to the exemption.

3 (2) In order to terminate an employee who has
4 submitted a completed form, an employer must file a claim with
5 the Department of Labor. The Department of Labor shall assign
6 an administrative law judge to make a determination as to
7 whether the employee is entitled to the exemption.

8 (3) A determination upon a claim filed by an
9 employer pursuant to this section shall be made promptly by
10 the administrative law judge. The determination shall include
11 a statement as to whether the claimant is entitled to retain
12 his or her employment.

13 (e) A decision of the administrative law judge under
14 subsection (d) may be appealed to a circuit court of competent
15 jurisdiction. The employee shall not be terminated during the
16 pendency of the appeal.

17 (f) The protections provided by this section are to
18 be liberally construed in favor of the employee.

19 Section 2. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law.