

1 SB12  
2 215450-1  
3 By Senators Orr, Weaver, Livingston, Melson, Butler, Jones,  
4 Williams, Scofield, Allen, Price, Chesteen, Elliott, Gudger  
5 and Barfoot  
6 RFD: Finance and Taxation General Fund  
7 First Read: 28-OCT-21

8 SYNOPSIS: This bill would prohibit employers, places  
9 of public accommodation, and occupational licensing  
10 boards from discriminating against an individual  
11 based on immunization status.

12 This bill would authorize the Attorney  
13 General to defend an employer, a place of public  
14 accommodation, or an occupational licensing board  
15 who is subject to certain federal fines, penalties,  
16 or mandates in violation of this state's  
17 immunization law.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

23 Relating to vaccinations; to prohibit employers,  
24 places of public accommodation, and occupational licensing  
25 boards from discriminating based on immunization status; to  
26 authorize the Attorney General to defend an employer, a place

1 of public accommodation, or an occupational licensing board in  
2 certain situations.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

8 (1) DISCRIMINATE or DISCRIMINATION.

9 a. In employment, the term means the discharge,  
10 refusal to hire, refusal to promote, demotion, harassment,  
11 segregation, or discrimination in matters of compensation or  
12 benefits against an employee. This term includes any  
13 imposition, requirement, or burden on one class of employees  
14 that is not mandated for all other employees.

15 b. In public accommodations, the term means the  
16 denial of the opportunity of an individual or class to  
17 participate in an equal manner as all other individuals, not  
18 separate or segregated, or to benefit equally as all others  
19 from the goods, services, facilities, privileges, advantages,  
20 or accommodations of a place of public accommodation.

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

24 (3) IMMUNIZATION STATUS. Whether an individual has  
25 the presence or absence of antibodies or has received or not  
26 received any vaccination administered for the purpose of  
27 preventing an infectious disease.

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

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

6 b. A restaurant, bar, or other establishment that  
7 serves food or drinks.

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

10 d. An auditorium, convention center, lecture hall,  
11 or other place of public gathering.

12 e. A bakery, grocery store, clothing store, hardware  
13 store, shopping center, or other sales or rental  
14 establishment.

15 f. A laundromat, dry cleaner, bank, barber shop,  
16 beauty shop, travel service, shoe repair service, funeral  
17 parlor, gas station, office of an accountant or lawyer,  
18 pharmacy, insurance office, professional office of a health  
19 care provider, hospital, or other service establishment.

20 g. A terminal, depot, or other station used for  
21 specified public transportation.

22 h. A museum, library, gallery, or other place of  
23 public display or collection.

24 i. A park, zoo, amusement park, or other place of  
25 recreation.

26 j. A PreK-12 school or two or four-year institution  
27 of higher education.

1 k. A day care center, senior citizen center,  
2 homeless shelter, food bank, adoption agency, or other social  
3 service center establishment.

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

6 (b) An employer or prospective employer shall not  
7 discriminate against a qualified individual on the basis of  
8 immunization status with regard to job application procedures,  
9 the hiring, advancement, or discharge of employees, employee  
10 compensation, job training, or other terms, conditions, or  
11 privileges of employment.

12 (c) Any owner or operator of a place of public  
13 accommodation shall not discriminate against any individual on  
14 the basis of immunization status in the full and equal  
15 enjoyment of the goods, services, facilities, privileges,  
16 advantages, or accommodations of the place of public  
17 accommodation.

18 (d) (1) Any individual who is subject to  
19 discrimination by an employer, potential employer, or place of  
20 public accommodation may seek a preliminary or permanent  
21 injunction before a circuit court of competent jurisdiction to  
22 enforce this section. No security in any form shall be  
23 required for an action seeking a preliminary or permanent  
24 injunction.

25 (2) The circuit court may enter any orders or  
26 decrees necessary to remedy a violation of this section. The  
27 court may assess penalties and award reasonable attorney fees

1 and costs, including expert fees, to any individual who brings  
2 a civil cause of action under subdivision (1) and prevails.

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

6 b. If an employer, potential employer, or place of  
7 public accommodation is subject to federal fines, penalties,  
8 or mandates in violation of this section, the Attorney General  
9 may defend or participate in the suit on behalf of the  
10 employer, potential employer, or place of public accommodation  
11 in order to protect the right to comply with this section.

12 Section 3. (a) An occupational licensing board, as  
13 defined in Section 41-9A-1, Code of Alabama 1975, shall not  
14 deny, suspend, revoke, or refuse to issue, renew, or reinstate  
15 a license, as defined by Section 41-9A-1, Code of Alabama  
16 1975, because of the immunization status, as defined in  
17 Section 2, of the licensee or applicant for a license.

18 (b) (1) Any individual who is subject to any adverse  
19 action as described in subsection (a) by an occupational  
20 licensing board may seek a preliminary or permanent injunction  
21 before a circuit court of competent jurisdiction to enforce  
22 this section. No security in any form shall be required for an  
23 action seeking a preliminary or permanent injunction.

24 (2) The circuit court may enter any orders or  
25 decrees necessary to remedy a violation of this section. The  
26 court may assess penalties and award reasonable attorney fees

1 and costs, including expert fees, to any individual who brings  
2 a civil cause of action under subdivision (1) and prevails.

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

6 b. If an occupational licensing board is subject to  
7 federal fines, penalties, or mandates in violation of this  
8 section, the Attorney General may defend or participate in the  
9 suit on behalf of the occupational licensing board in order to  
10 protect the board's ability to comply with this section.

11 Section 4. It is the public policy of the state that  
12 all federal acts, laws, orders, rules, and regulations,  
13 whether past, present, or future, that require the residents  
14 of Alabama to receive a vaccine for any purpose is in  
15 violation of the Tenth Amendment to the United States  
16 Constitution and shall be invalid in this state, shall not be  
17 recognized by this state, are specifically rejected by this  
18 state, and shall be considered void and of no effect in this  
19 state.

20 Section 5. This act shall become effective  
21 immediately following its passage and approval by the  
22 Governor, or its otherwise becoming law.