

HB324 INTRODUCED



1 2JONSS-1

2 By Representatives Yarbrough, Harrison, Butler, Wadsworth,

3 Fincher, Easterbrook, Brown, Whorton, Stringer

4 RFD: Health

5 First Read: 13-Apr-23

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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 have the following meanings:

(1) DISCRIMINATE or DISCRIMINATION.

a. In employment, the term means the discharge, refusal to hire, refusal to promote, demotion, harassment, segregation, or discrimination in matters of compensation or benefits against an employee. This term includes any



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29 imposition, requirement, or burden on one class of employees
30 that is not mandated for all other employees.

31 b. In public accommodations, the term means the denial
32 of the opportunity of an individual or class to participate in
33 an equal manner as all other individuals, not separate or
34 segregated, or to benefit equally as all others from the
35 goods, services, facilities, privileges, advantages, or
36 accommodations of a place of public accommodation.

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

40 (3) IMMUNIZATION STATUS. Whether an individual has the
41 presence or absence of antibodies or has received or has not
42 received any vaccination administered for the purpose of
43 preventing an infectious disease.

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

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

49 b. A restaurant, bar, or other establishment that
50 serves food or drinks.

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

53 d. An auditorium, convention center, lecture hall, or
54 other place of public gathering.

55 e. A bakery, grocery store, clothing store, hardware
56 store, shopping center, or other sales or rental



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57 establishment.

58 f. A laundromat, dry-cleaner, bank, barber shop, beauty
59 shop, travel service, shoe repair service, funeral parlor, gas
60 station, office of an accountant or lawyer, pharmacy,
61 insurance office, professional office of a health care
62 provider, hospital, or other service establishment.

63 g. A terminal, depot, or other station used for
64 specified public transportation.

65 h. A museum, library, gallery, or other place of public
66 display or collection.

67 i. A park, zoo, amusement park, or other place of
68 recreation.

69 j. A PreK-12 school or two-year or four-year
70 institution of higher education.

71 k. A day care center, senior citizen center, homeless
72 shelter, food bank, adoption agency, or other social service
73 center establishment.

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

76 (b) An employer or prospective employer shall not
77 discriminate against a qualified individual on the basis of
78 immunization status with regard to job application procedures,
79 the hiring, advancement, or discharge of employees, employee
80 compensation, job training, or other terms, conditions, or
81 privileges of employment.

82 (c) A place of public accommodation shall not
83 discriminate against any individual on the basis of
84 immunization status in the full and equal enjoyment of the



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85 goods, services, facilities, privileges, advantages, or
86 accommodations of any place of public accommodation by any
87 private entity who owns, leases, or operates a place of public
88 accommodation.

89 (d) (1) Any individual who is subject to discrimination
90 by an employer, potential employer, or place of public
91 accommodation may bring a civil cause of action against the
92 employer or place of public accommodation for a violation of
93 this section. Available remedies include, but are not limited
94 to, the following:

- 95 a. Injunctive relief.
- 96 b. Compensatory damages.
- 97 c. Punitive damages.

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

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

104 Section 3. (a) An occupational licensing board, as
105 defined in Section 41-9A-1, Code of Alabama 1975, shall not
106 deny, suspend, revoke, or refuse to issue, renew, or reinstate
107 a license, as defined by Section 41-9A-1, Code of Alabama
108 1975, because of the immunization status, as defined in
109 Section 2, of the licensee or applicant for a license.

110 (b) (1) Any individual who is subject to any adverse
111 action as described in subsection (a) by an occupational
112 licensing board may bring a civil cause of action against the



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113 occupational licensing board for a violation of this section.
114 Available remedies include, but are not limited to, the
115 following:

116 a. Injunctive relief.

117 b. Compensatory damages.

118 c. Punitive damages.

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

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

125 Section 4. It is the public policy of the state that
126 all federal acts, laws, orders, rules, and regulations,
127 whether past, present, or future, that require the residents
128 of Alabama to receive a vaccine for any purpose is in
129 violation of the Tenth Amendment to the United States
130 Constitution and shall be invalid in this state, shall not be
131 recognized by this state, are specifically rejected by this
132 state, and shall be considered void and of no effect in this
133 state.

134 Section 5. This act shall become effective immediately
135 following its passage and approval by the Governor, or its
136 otherwise becoming law.