

SB129 ENROLLED



1 SB129

2 48A1R3R-2

3 By Senators Barfoot, Roberts, Elliott, Waggoner, Gudger,

4 Shelnut, Williams, Price, Chesteen, Orr, Jones, Butler,

5 Allen, Givhan, Weaver, Livingston, Melson, Sessions,

6 Albritton, Bell, Kelley, Carnley, Chambliss, Kitchens, Stutts

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8 RFD: County and Municipal Government

9 First Read: 20-Feb-24



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1 Enrolled, An Act,

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5 Relating to diversity, equity, and inclusion; to
6 prohibit certain public entities from maintaining diversity,
7 equity, and inclusion offices and from sponsoring diversity,
8 equity, and inclusion programs; to provide prohibitions on the
9 promotion, endorsement, and affirmation of certain divisive
10 concepts in certain public settings; with exceptions to
11 provide that certain circumstances are not prohibited; to
12 require public institutions of higher education to designate
13 restrooms on the basis of biological sex; and to authorize
14 certain penalties for violation.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. For the purposes of this act, the following
17 terms have the following meanings:

18 (1) CONTRACTOR. Any individual or entity that provides
19 services to a state agency, public institution of higher
20 education, or local board of education. This term does not
21 include an individual or entity that provides construction
22 services.

23 (2) DIVISIVE CONCEPTS. Any of the following concepts:

24 a. That any race, color, religion, sex, ethnicity, or
25 national origin is inherently superior or inferior.

26 b. That individuals should be discriminated against or
27 adversely treated because of their race, color, religion, sex,
28 ethnicity, or national origin.



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29 c. That the moral character of an individual is
30 determined by his or her race, color, religion, sex,
31 ethnicity, or national origin.

32 d. That, by virtue of an individual's race, color,
33 religion, sex, ethnicity, or national origin, the individual
34 is inherently racist, sexist, or oppressive, whether
35 consciously or subconsciously.

36 e. That individuals, by virtue of race, color,
37 religion, sex, ethnicity, or national origin, are inherently
38 responsible for actions committed in the past by other members
39 of the same race, color, religion, sex, ethnicity, or national
40 origin.

41 f. That fault, blame, or bias should be assigned to
42 members of a race, color, religion, sex, ethnicity, or
43 national origin, on the basis of race, color, religion, sex,
44 ethnicity, or national origin.

45 g. That any individual should accept, acknowledge,
46 affirm, or assent to a sense of guilt, complicity, or a need
47 to apologize on the basis of his or her race, color, religion,
48 sex, ethnicity, or national origin.

49 h. That meritocracy or traits such as a hard work ethic
50 are racist or sexist.

51 (3) DIVERSITY, EQUITY, AND INCLUSION PROGRAM. Any
52 program, class, training, seminar, or other event where
53 attendance is based on an individual's race, sex, gender
54 identity, ethnicity, national origin, or sexual orientation,
55 or that otherwise violates this act. This term does not
56 include programs, classes, trainings, seminars, or other



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57 events that are necessary to comply with applicable state law,
58 federal law, or court order.

59 (4) PUBLIC INSTITUTION OF HIGHER EDUCATION. As defined
60 under Section 16-5-1, Code of Alabama 1975, which includes all
61 universities governed by constitutionally created boards of
62 trustees.

63 (5) STUDENT. Any individual enrolled in a public K-12
64 school or public institution of higher education.

65 Section 2. A state agency, local board of education, or
66 public institution of higher education may not do any of the
67 following:

68 (1) Sponsor any diversity, equity, and inclusion
69 program or maintain any office, physical location, or
70 department that promotes diversity, equity, and inclusion
71 programs, as defined in subdivision (3) of Section 1.

72 (2) Direct or compel a student, employee, or contractor
73 to personally affirm, adopt, or adhere to a divisive concept.

74 (3) Require its students, employees, or contractors to
75 attend or participate in any diversity, equity, and inclusion
76 program or any training, orientation, or course work that
77 advocates for or requires assent to a divisive concept.

78 (4) Require a student, employee, or contractor to share
79 his or her personal point of view on any divisive concept
80 outside of an academic setting, as provided in Section 4(3)b.

81 (5) Require its students, employees, or contractors to
82 participate, as part of any required curriculum or mandatory
83 professional training, in an activity that involves lobbying
84 at the state or local level for legislation related to a



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85 divisive concept.

86 (6) Penalize or discriminate against a student,
87 employee, or contractor on the basis of his or her refusal to
88 support, believe, endorse, embrace, confess, or otherwise
89 assent to a divisive concept or diversity statement.

90 (7) Condition enrollment or attendance in a class,
91 training, or orientation solely on the basis of race or color.

92 (8) Authorize or expend funding, or apply for or accept
93 a grant, federal funding, or private funding, for the purpose
94 of compelling assent to any divisive concept or any other
95 purpose prohibited in this act, provided that such funding may
96 be provided to student, faculty, or staff organizations or
97 associations.

98 Section 3. All state agencies and political
99 subdivisions, including local boards of education and public
100 institutions of higher education, may discipline or terminate
101 the employment of any employee or contractor who knowingly
102 violates this act, provided that:

103 (1) Any disciplinary action or termination of an
104 employee of a public institution of higher education shall
105 remain subject to relevant policies established by the
106 institution.

107 (2) Termination of an employee or contractor of a local
108 board of education remains subject to the appeal of the
109 termination to the local board of education or State Board of
110 Education if applicable, or, if applicable, the Teacher
111 Accountability Act, Chapter 24B of Title 16, Code of Alabama
112 1975, and the Students First Act, Chapter 24C of Title 16,



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113 Code of Alabama 1975.

114 (3) No state agency or political subdivision may
115 terminate a contract or contractor under this section unless a
116 contractor in this state knowingly violated this act in the
117 course of his or her contractual obligation.

118 Section 4. Nothing in this act:

119 (1) Prevents student, staff, or faculty organizations
120 or associations from hosting diversity, equity, and inclusion
121 programs or discussions that may involve divisive concepts,
122 provided that no state funds are used to sponsor these
123 programs. If a student, staff, or faculty organization or
124 association hosts an event pursuant to this subdivision, it
125 shall identify the sponsor of the event at the event and in
126 any advertisements relating to the event.

127 (2) Prevents an employee or a contractor of a state
128 agency, local board of education, or public institution of
129 higher education who provides, as part of his or her job
130 duties, orientation, course work, or training from responding
131 to questions that are raised by participants in the
132 orientation, course work, or training and that pertain to
133 divisive concepts or diversity, equity, and inclusion.

134 (3)a. Prohibits a public institution of higher
135 education from providing any instruction or taking any action
136 in furtherance of satisfying any accreditation standard or
137 requirement.

138 b. Prohibits a public institution of higher education
139 from authorizing the teaching or discussion of any divisive
140 concept in an objective manner and without endorsement as part



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141 of a larger course of academic instruction, provided the
142 institution and its employees do not compel assent to any
143 divisive concept and otherwise comply with the provisions of
144 this act.

145 c. Prohibits the required collection or reporting of
146 demographic data by public institutions of higher education.

147 (4) Prohibits the teaching of topics or historical
148 events in a historically accurate context.

149 (5) Prohibits an institution of higher education from
150 performing research, collecting data, engaging in recruiting
151 and outreach programs, offering academic support services,
152 engaging in clinical trials, or providing medical, mental, or
153 any health care or clinical services targeted to support
154 individuals of any specific demographic.

155 (6) Prevents state agencies from promoting racial,
156 cultural, or ethnic diversity or inclusiveness, provided these
157 efforts are consistent with the requirements of this act.

158 (7) Prohibits a public institution of higher education
159 from providing space or ancillary services to any student or
160 employee on a non-discriminatory basis, including, but not
161 limited to, support and guidance to ensure compliance with
162 applicable university policies and laws, assistance with
163 security needs, and registration of events.

164 (8) Prohibits housing, athletic programming, or social
165 organizations that are segregated by sex. Each public
166 institution of higher education shall ensure that every
167 multiple occupancy restroom be designated for use by
168 individuals based on their biological sex, as defined by



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169 Section 16-1-54, Code of Alabama 1975.

170 (9) May be construed to inhibit or violate the First
171 Amendment rights of any student or employee, or to undermine
172 the duty of a public institution of higher education to
173 protect, to the greatest degree, academic freedom,
174 intellectual diversity, and free expression.

175 (10) Shall be deemed to affect or revise any provision
176 in state law requiring that membership of a state board,
177 commission, or authority be inclusive and reflect the racial,
178 gender, geographic, urban, rural, and economic diversity of
179 the state, nor impact any public official appointed to a state
180 board, commission, or authority as of October 1, 2024.

181 (11) May be construed to affect or limit the activities
182 of the Alabama Office of Minority Affairs.

183 Section 5. It is the intent of the Legislature that all
184 constitutionally created boards of trustees comply with the
185 requirements of this act.

186 Section 6. The provisions of this act are severable. If
187 any part of this act is declared invalid or unconstitutional,
188 the declaration shall not affect the part which remains.

189 Section 7. This act shall become effective on October
190 1, 2024.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

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Senate 22-Feb-24

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 07-Mar-24

Senate concurred in House amendment 19-Mar-24

By: Senator Barfoot