

# HB139 INTRODUCED



1 HB139  
2 77DSEE2-1  
3 By Representative Hollis  
4 RFD: Judiciary  
5 First Read: 04-Feb-25



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SYNOPSIS:

Under existing state law, it is unlawful for any person to discriminate against an individual because of his or her race, color, religion, sex, or national origin with respect to housing.

Under existing state law, it is also unlawful for an employer to pay an employee at wage rates less than those paid to employees of another race or sex for substantially similar work.

Under existing state law, it is unlawful for an employer, employment agency, or labor organization to discriminate against a worker 40 years of age or over in hiring, job retention, compensation, or other terms or conditions of employment.

This bill would make it unlawful for a person to deny any individual full and equal enjoyment of public accommodations based upon certain protected classes.

This bill would also make it unlawful for a local school board to discriminate against any individual based upon certain protected classes.

This bill would make it unlawful for an employer or employment agency to discriminate against any individual based upon certain protected classes.

This bill would make it unlawful for a labor organization to exclude or expel from its membership,



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29 or otherwise to discriminate against, any individual  
30 based upon certain protected classes.

31 This bill would also create a state cause of  
32 action against an employer, employment agency, or labor  
33 organization that discriminates against any individual  
34 based upon certain protected classes.

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A BILL

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TO BE ENTITLED

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AN ACT

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41 Relating to discrimination; to make it unlawful for a  
42 person to deny any individual full and equal enjoyment of  
43 public accommodations based upon certain protected classes; to  
44 make it unlawful for a local school board to discriminate  
45 against any individual based upon certain protected classes;  
46 to make it unlawful for an employer or employment agency to  
47 discriminate against any individual based upon certain  
48 protected classes; to make it unlawful for a labor  
49 organization to exclude or expel from its membership, or  
50 otherwise discriminate against, any individual based upon  
51 certain protected classes; and to create a state cause of  
52 action against an employer, employment agency, or labor  
53 organization that discriminates against any individual based  
54 upon certain protected classes.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. (a) As used in this section, the following



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57 terms have the following meanings:

58 (1) PLACE OF PUBLIC ACCOMMODATION, RESORT, or  
59 AMUSEMENT. Any place, store, or other establishment, either  
60 licensed or unlicensed, which supplies goods or services to  
61 the general public or which solicits or accepts the patronage  
62 or trade of the general public or which is supported directly  
63 or indirectly by government funds.

64 (2) RELIGIOUS ORGANIZATION. An organization whose main  
65 purpose is to study or advance religion. The term does not  
66 include any organization that teaches or advocates hatred or  
67 superiority based on race or ethnicity.

68 (b) It is unlawful for a person to deny any individual  
69 the full and equal enjoyment of the goods, services,  
70 facilities, privileges, advantages, and accommodations of a  
71 place of public accommodation, resort, or amusement on the  
72 basis of race, as defined in Section 3, religion, sex, age,  
73 disability, or national origin.

74 (c) A place of public accommodation, resort, or  
75 amusement does not include any of the following:

76 (1) A private club whose policies are determined by its  
77 members and its facilities or whose services are available  
78 only to its members and their bona fide guests.

79 (2) A rooming or boarding house containing not more  
80 than one room for rent or hire and which is within a building  
81 occupied by the proprietor as his or her residence.

82 (3) A religious organization and its activities and  
83 facilities if compliance with this section would be  
84 inconsistent with the religious tenets of the organization.



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85           Section 2. It is unlawful for a local school board to  
86           discriminate against any individual on the basis of race, as  
87           defined in Section 3, sex, disability, or national origin.

88           Section 3. (a) As used in this section, "race" means  
89           ancestry, color, ethnic group identification, and ethnic  
90           background and traits historically associated with race,  
91           including, but not limited to, skin complexion, hair texture,  
92           and protective hairstyles, including, but not limited to,  
93           braids, locks, and twists.

94           (b) It shall be an unlawful employment practice for an  
95           employer to fail or refuse to hire or to discharge any  
96           individual or to otherwise discriminate against any individual  
97           with respect to his or her terms, conditions, or benefits of  
98           employment because of his or her race, religion, sex, age,  
99           disability, or national origin.

100           (c) It shall be an unlawful employment practice for an  
101           employment agency to fail or refuse to refer for employment or  
102           otherwise to discriminate against any individual because of  
103           his or her race, religion, sex, age, disability, or national  
104           origin or to classify or refer for employment any individual  
105           on the basis of his or her race, religion, sex, age,  
106           disability, or national origin.

107           (d) It shall be an unlawful employment practice for a  
108           labor organization to exclude or to expel from its membership  
109           or otherwise to discriminate against any individual because of  
110           his or her race, religion, sex, age, disability, or national  
111           origin.

112           (e) An employer, employment agency, or labor



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113 organization shall be deemed to have engaged in an action  
114 prohibited under this section if the individual's race,  
115 religion, sex, age, disability, or national origin was a  
116 motivating factor in the action, unless the employer,  
117 employment agency, or labor organization can prove that there  
118 was a legitimate, nondiscriminatory reason for the action.

119 (f) An employer, employment agency, or labor  
120 organization may not take any adverse employment action or  
121 otherwise discriminate against any individual because the  
122 individual has done any of the following:

123 (1) Taken an action to enforce a protection afforded  
124 any individual under this section.

125 (2) Testified or otherwise made a statement in or in  
126 connection with any proceeding under this section.

127 (3) Assisted or otherwise participated in an  
128 investigation under this section.

129 (4) Exercised a right provided for under this section.

130 (g) An employer, employment agency, or labor  
131 organization shall be deemed to have engaged in an action  
132 prohibited under subsection (f) if the individual's action to  
133 enforce a protection afforded any individual under this  
134 section, testimony or making of a statement in connection with  
135 any proceeding under this section, assistance or other  
136 participation in an investigation under this section, or  
137 exercise of a right provided for under this section is a  
138 motivating factor in the action, unless the employer,  
139 employment agency, or labor organization can prove that there  
140 was a legitimate, nondiscriminatory reason for the action.



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141 Section 4. (a) Any individual whose rights under  
142 Section 3 have been violated by an employer, employment  
143 agency, or labor organization may bring a cause of action  
144 against the employer, employment agency, or labor  
145 organization.

146 (b) In any action filed under this section, the court  
147 may award relief and require the employer, employment agency,  
148 or labor organization to do any one or more of the following:

149 (1) Comply with Section 3.

150 (2) Compensate the individual for any loss of wages or  
151 benefits suffered by reason of a failure to comply with  
152 Section 3.

153 (3) Pay the individual punitive damages by reason of a  
154 failure to comply with Section 3, if the court determines that  
155 the failure to comply was willful.

156 (c) No fees or court costs may be assessed against any  
157 individual who brings a cause of action under subsection (a).

158 (d) If an individual who obtained private counsel to  
159 bring an action or proceeding under subsection (a) prevails in  
160 the action or proceeding, the court may award the individual  
161 reasonable attorney fees, expert witness fees, court costs,  
162 and other litigation expenses.

163 Section 5. This act shall become effective on October  
164 1, 2025.