

HB520 INTRODUCED



1 HB520
2 BYVCEJJ-1
3 By Representatives Yarbrough, Whorton, Butler, Harrison,
4 Mooney, Carns, Gidley
5 RFD: Health
6 First Read: 03-Apr-25



4 SYNOPSIS:

5 This bill would prohibit an employer or
6 prospective employer from discriminating against an
7 individual on the basis of the individual's refusal of
8 certain drugs, vaccines, or facial coverings for
9 reasons of conscience, including religious convictions.

10 This bill would prohibit a place of public
11 accommodation from discriminating against any
12 individual on the basis of the individual's
13 immunization status or refusal to wear a facial
14 covering.

15 This bill would prohibit a hospital or health
16 plan insurer from discriminating against any individual
17 based on the individual's refusal of certain drugs,
18 vaccines, or facial coverings, except for surgical
19 masks during the performance of a surgical, medical, or
20 dental procedure, for reasons of conscience, including
21 religious convictions.

22 This bill would prohibit an occupational
23 licensing board from denying, suspending, revoking, or
24 refusing to issue, renew, or reinstate a license
25 because of the immunization status of the licensee or
26 applicant for a license.

27 This bill would authorize any individual subject
28 to discrimination by an employer, prospective employer,



HB520 INTRODUCED

place of public accommodation, hospital, health plan insurer, or occupational licensing board in violation of the bill to seek a permanent or preliminary injunction, and would provide for remedies for the violation.

This bill would authorize the Attorney General to bring a civil cause of action against an employer, prospective employer, place of public accommodation, hospital, health plan insurer, or occupational licensing board for a violation.

This bill would also authorize the Attorney General to defend or participate in a suit on behalf of an employer, place of public accommodation, hospital, health plan insurer, or occupational licensing board that is subject to federal fines, penalties, or mandates relating to the requirements of this bill.

A BILL

TO BE ENTITLED

AN ACT

Relating to health; to prohibit certain entities from taking certain discriminatory acts against individuals who refuse certain immunizations, drugs, or facial coverings for reasons of conscience; to provide for a private cause of action for a violation of this act; to authorize the Attorney General to enforce this act; to provide additional remedies



HB520 INTRODUCED

for a violation; and to authorize the Attorney General to defend or participate in a suit on behalf of an entity subject to certain federal penalties relating to the requirements of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Alabama Conscientious Right to Refuse Act.

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

(1) DISCRIMINATE or DISCRIMINATION. 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 imposition, requirement, or burden on one class of employees that is not mandated for all other employees.

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

(b) An employer or prospective employer shall not discriminate against an otherwise qualified individual on the basis of the individual's refusal of any biologic, DNA-based product, drug, facial covering, gene editing technology, pharmaceutical, RNA-based product, or vaccine for reasons of conscience, including religious convictions, with regard to job application procedures; the hiring, advancement, or discharge of employees; employee compensation; job training; or other terms, conditions, or privileges of employment.

(c) (1) Any individual who is subject to discrimination



HB520 INTRODUCED

in violation of this section may seek a preliminary or permanent injunction before a circuit court of competent jurisdiction to enforce this section. A circuit court may enter any order necessary to remedy the violation, assess penalties, and award reasonable attorney fees and costs, including expert fees, to a prevailing plaintiff.

(2) No security in any form may be required for an action filed under this subsection.

(d) (1) The Attorney General may enforce the provisions of this section.

(2) If an employer or prospective employer is subject to federal fines, penalties, or mandates: (i) due to its compliance with this section; or (ii) which conflict with the requirements of this section, the Attorney General may defend or participate in the suit on behalf of the employer or prospective employer in order to protect its right to comply with this section.

Section 3. (a) For the purposes of this section, the following terms have the following meanings:

(1) DISCRIMINATE or DISCRIMINATION. The denial of the opportunity of an individual or class to participate in an equal manner as all other individuals, not separate or segregated, or the denial of equal benefit from the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation.

(2) IMMUNIZATION STATUS. Whether an individual has the presence or absence of antibodies or has received or has not received any vaccination, including biologics, a DNA-based



HB520 INTRODUCED

product, gene editing technology, pharmaceutical, or an RNA-based product administered for the purpose of preventing an infectious disease.

(3) PUBLIC ACCOMMODATION. The same meaning as provided in Title III of the Americans with Disabilities Act, 42 U.S.C. § 12181.

(b) A place of public accommodation shall not discriminate against any individual on the basis of the individual's immunization status or refusal to wear a facial covering for reasons of conscience, including religious convictions, by denying or restricting in any way the individual's full and equal enjoyment of goods, services, facilities, privileges, advantages, or accommodations of the place of public accommodation.

(c)(1) Any individual who is subject to discrimination in violation of this section may seek a preliminary or permanent injunction before a circuit court of competent jurisdiction to enforce this section. A circuit court may enter any order necessary to remedy the violation, assess penalties, and award reasonable attorney fees and costs, including expert fees, to a prevailing plaintiff.

(2) No security in any form may be required for an action filed under this subsection.

(d)(1) The Attorney General may enforce the provisions of this section.

(2) If a place of public accommodation is subject to federal fines, penalties, or mandates: (i) due to its compliance with this act; or (ii) which conflict with the



HB520 INTRODUCED

requirements of this act, the Attorney General may defend or participate in the suit on behalf of the place of public accommodation in order to protect its right to comply with this section.

Section 4. (a) For the purposes of this section, the following terms have the following meanings:

(1) DISCRIMINATE or DISCRIMINATION. The denial or restriction of medical care, public service, or insurance coverage, payments, reimbursements, or claims to an individual.

(2) HEALTH PLAN INSURER. All health insurance plan issuers doing business in Alabama, including any public or private medical insurance program.

(3) HOSPITALS. The same meaning as provided in Section 22-21-20, Code of Alabama 1975.

(b) A hospital or health plan insurer shall not discriminate in any way or take any adverse action against:

- (i) an individual based on the individual's refusal; or
- (ii) an unemancipated minor based on the refusal made on the minor's behalf by his or her parent, guardian, or legal representative, of any biologic, DNA-based product, drug, facial covering, gene editing technology, pharmaceutical, RNA-based product, or vaccine for reasons of conscience, including religious convictions, including, but not limited to, through:

- (1) Denying a service, including medical care, a public service, or organ donation, to the individual;

- (2) Penalizing the individual or using financial



HB520 INTRODUCED

coercion against the individual; or

(3) Refusing or restricting insurance coverage, payments, reimbursements, or claims to an individual.

(c)(1) For the purposes of this section, the term "facial covering" does not include a surgical mask worn during the performance of a surgical, medical, or dental procedure.

(2) This section may not be construed to prevent the recommendation of, education on, or access to a facial covering or other medical intervention specified in this section.

(d)(1) Any individual who is subject to discrimination or adverse action in violation of this section may seek a preliminary or permanent injunction before a circuit court of competent jurisdiction to enforce this act. A circuit court may enter any order necessary to remedy the violation, assess penalties, and award reasonable attorney fees and costs, including expert fees, to a prevailing plaintiff.

(2) No security in any form may be required for an action filed under this subsection.

(e)(1) The Attorney General may enforce the provisions of this section.

(2) If a hospital or health plan insurer is subject to federal fines, penalties, or mandates: (i) due to its compliance with this section; or (ii) which conflict with the requirements of this section, the Attorney General may defend or participate in the suit on behalf of the hospital or health plan insurer in order to protect its right to comply with this section.



HB520 INTRODUCED

Section 5. (a) For the purposes of this section, the following terms have the following meanings:

(1) IMMUNIZATION STATUS. The same meaning as provided in Section 3.

(2) OCCUPATIONAL LICENSING BOARD. The same meaning as provided in Section 41-9A-1, Code of Alabama 1975.

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

(c)(1) Any individual who is subject to any action described in subsection (b) by an occupational licensing board may seek a preliminary or permanent injunction before a circuit court of competent jurisdiction to enforce this section. A circuit court may enter any order necessary to remedy the violation, assess penalties, and award reasonable attorney fees and costs, including expert fees, to a prevailing plaintiff.

(2) No security in any form may be required for an action filed under this subsection.

(d)(1) The Attorney General may enforce the provisions of this section.

(2) If a hospital or health plan insurer is subject to federal fines, penalties, or mandates: (i) due to its compliance with this section; or (ii) which conflict with the requirements of this section, the Attorney General may defend or participate in the suit on behalf of the hospital or health



HB520 INTRODUCED

225 plan insurer in order to protect its right to comply with this
226 section.

227 Section 6. This act shall become effective on June 1,
228 2025.