

HB18 INTRODUCED



1 HB18
2 40ZQRR-1
3 By Representative Givan
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 01-Dec-23



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SYNOPSIS:

This bill would make it unlawful for a person to deny an individual full and equal enjoyment of public accommodations based upon the individual's weight or body size.

This bill would also make it unlawful for an employer to discriminate against an applicant or employee based upon the applicant or employee's weight or body size and would create a cause of action against an employer who does so.

A BILL
TO BE ENTITLED
AN ACT

Relating to discrimination; to make it unlawful for a person to deny an individual full and equal enjoyment of public accommodations based upon the individual's weight or body size; to make it unlawful for an employer to discriminate against an applicant or employee based upon the applicant or employee's weight or body size; and to create a cause of action against an employer who does so.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known as the "Nick



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29 Arjomand No Weight Discrimination Act."

30 Section 2. The Legislature of the state finds that
31 weight discrimination is a form of unjust and unfair treatment
32 that can result in significant harm to individuals. The
33 purpose of this act is to prohibit weight discrimination and
34 promote equality, dignity, and respect for all individuals in
35 the State of Alabama.

36 Section 3. (a) As used in this section, "place of
37 public accommodation" includes any place, store, or other
38 establishment, either licensed or unlicensed, which supplies
39 goods or services to the general public which solicits or
40 accepts the patronage or trade of the general public, or which
41 is supported directly or indirectly by government funds.

42 (b) It is unlawful for a person to deny an individual
43 the full and equal enjoyment of the goods, services,
44 facilities, privileges, advantages, and accommodations of a
45 place of public accommodation based upon the individual's
46 weight or body size.

47 Section 4. (a) It is an unlawful employment practice
48 for an employer to fail or refuse to hire or promote or to
49 discharge any individual, or to otherwise discriminate against
50 any individual with respect to the individual's compensation,
51 terms, conditions, or privileges of employment because of the
52 individual's weight or body size.

53 (b) An employer may not discriminate or take any
54 adverse employment action against any individual because the
55 individual has done any of the following:

56 (1) Opposed any practice made an unlawful employment



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57 practice by this section.

58 (2) Made a charge in an investigation, proceeding, or
59 hearing under this section.

60 (3) Testified or otherwise made a statement in an
61 investigation, proceeding, or hearing under this section.

62 (4) Assisted in an investigation, proceeding, or
63 hearing under this section.

64 (5) Participated in any manner in an investigation,
65 proceeding, or hearing under this section.

66 (c) An employer shall be deemed to have engaged in an
67 action prohibited under subsection (a) if the individual's
68 weight or body size is a motivating factor in the employer's
69 action, unless the employer can prove that there was a
70 legitimate, nondiscriminatory reason for the adverse
71 employment action.

72 (d) An employer shall be deemed to have engaged in an
73 action prohibited under subsection (b) if the individual's
74 opposition to any practice made unlawful by this section, or
75 charge, testimony, assistance, or participation in any manner
76 in an investigation, proceeding, or hearing under this section
77 is a motivating factor in the employer's action, unless the
78 employer can prove that there was a legitimate,
79 nondiscriminatory reason for the adverse employment action.

80 Section 5. (a) Any individual whose rights under
81 Section 3 or Section 4 have been violated by a person or
82 employer may bring a cause of action against the employer.

83 (b) In any action filed under this section, the court
84 may award relief and require the person or employer to do any



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85 one or more of the following:

86 (1) Comply with Section 3 or Section 4.

87 (2) Compensate the individual for any loss of wages or
88 benefits suffered by reason of the person or employer's
89 failure to comply with Section 4.

90 (3) Pay the individual liquidated damages in an amount
91 equal to the amount of lost wages or benefits suffered by
92 reason of the person or employer's failure to comply with
93 Section 4, if the court determines that the person or
94 employer's failure to comply was willful.

95 (c) No fees or court costs may be charged or taxed
96 against any individual claiming a right under Section 3 or
97 Section 4.

98 (d) If an individual who obtained private counsel to
99 bring an action or proceeding under Section 4 or Section 5
100 prevails in the action or proceeding, the court may award the
101 individual reasonable attorney fees, expert witness fees, and
102 other litigation expenses.

103 Section 6. The provisions of this act are severable. If
104 any part of this act is declared invalid or unconstitutional,
105 that declaration shall not affect the part which remains.

106 Section 7. This act shall become effective on October 1,
107 2024.