

SB129 ENGROSSED



1 SB129

2 BXGNQJQ-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

7

8 RFD: County and Municipal Government

9 First Read: 20-Feb-24



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A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

(1) CONTRACTOR. Any individual or entity that has entered into a public contract pursuant to Title 39 or Title 41, Code of Alabama 1975.

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

a. That any race, color, religion, sex, ethnicity, or



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29 national origin is inherently superior or inferior.

30 b. That individuals should be discriminated against or
31 adversely treated because of their race, color, religion, sex,
32 ethnicity, or national origin.

33 c. That the moral character of an individual is
34 determined by his or her race, color, religion, sex,
35 ethnicity, or national origin.

36 d. That, by virtue of an individual's race, color,
37 religion, sex, ethnicity, or national origin, the individual
38 is inherently racist, sexist, or oppressive, whether
39 consciously or subconsciously.

40 e. That individuals, by virtue of race, color,
41 religion, sex, ethnicity, or national origin, are inherently
42 responsible for actions committed in the past by other members
43 of the same race, color, religion, sex, ethnicity, or national
44 origin.

45 f. That fault, blame, or bias should be assigned to
46 members of a race, color, religion, sex, ethnicity, or
47 national origin, on the basis of race, color, religion, sex,
48 ethnicity, or national origin.

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

53 h. That meritocracy or traits such as a hard work ethic
54 are racist or sexist.

55 (3) DIVERSITY, EQUITY, AND INCLUSION PROGRAM. Any
56 program, class, training, seminar, or other event where



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57 attendance is based on an individual's race, sex, gender
58 identity, ethnicity, national origin, or sexual orientation,
59 or that otherwise violates this act. This term does not
60 include programs, classes, trainings, seminars, or other
61 events that are necessary to comply with applicable state law,
62 federal law, or court order.

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

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

69 Section 2. A state agency, local board of education, or
70 public institution of higher education may not do any of the
71 following:

72 (1) Sponsor any diversity, equity, and inclusion
73 program or maintain any office, physical location, or
74 department that promotes diversity, equity, and inclusion
75 programs.

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

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

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



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85 (5) Require its students, employees, or contractors to
86 participate, as part of any required curriculum or mandatory
87 professional training, in an activity that involves lobbying
88 at the state or local level for legislation related to a
89 divisive concept.

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

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

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

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

107 (1) Any disciplinary action or termination of an
108 employee of a public institution of higher education shall
109 remain subject to relevant policies established by the
110 institution.

111 (2) Termination of an employee or contractor of a local
112 board of education remains subject to the appeal of the



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113 termination to the local board of education or State Board of
114 Education if applicable, or, if applicable, the Teacher
115 Accountability Act, Chapter 24B of Title 16, Code of Alabama
116 1975, and the Students First Act, Chapter 24C of Title 16,
117 Code of Alabama 1975.

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 or mental
153 health care targeted to support individuals of any specific
154 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, provided that
175 none of these protected tenets conflict with this act.

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

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

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

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

190 Section 7. This act shall become effective on October
191 1, 2024.



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194 Senate

195 Read for the first time and referred20-Feb-24
196 to the Senate committee on County
197 and Municipal Government
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199 Read for the second time and placed21-Feb-24
200 on the calendar:
201 1 amendment
202
203 Read for the third time and passed22-Feb-24
204 as amended
205 Yeas 26
206 Nays 7
207 Abstains 0
208
209

Patrick Harris,
Secretary.

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