

1 HB27
2 215115-1
3 By Representative Hollis
4 RFD: Judiciary
5 First Read: 11-JAN-22

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

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

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

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

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

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

8 This bill would make it unlawful for a labor
9 organization to exclude or expel from its
10 membership, or otherwise to discriminate against,
11 any individual based upon certain protected
12 classes.

13 This bill would create a state cause of
14 action against an employer, employment agency, or
15 labor organization that discriminates against any
16 individual based upon certain protected classes.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 Relating to discrimination; to make it unlawful for
23 a person to deny any individual full and equal enjoyment of
24 public accommodations based upon certain protected classes; to
25 make it unlawful for a local school board to discriminate
26 against any individual based upon certain protected classes;
27 to make it unlawful for an employer or employment agency to

1 discriminate against any individual based upon certain
2 protected classes; to make it unlawful for a labor
3 organization to exclude or expel from its membership, or
4 otherwise discriminate against, any individual based upon
5 certain protected classes; and to create a state cause of
6 action against an employer, employment agency, or labor
7 organization that discriminates against any individual based
8 upon certain protected classes.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. (a) As used in this section, the
11 following terms have the following meanings:

12 (1) PLACE OF PUBLIC ACCOMMODATION, RESORT, or
13 AMUSEMENT. Any place, store, or other establishment, either
14 licensed or unlicensed, which supplies goods or services to
15 the general public or which solicits or accepts the patronage
16 or trade of the general public or which is supported directly
17 or indirectly by government funds.

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

22 (b) It is unlawful for a person to deny any
23 individual the full and equal enjoyment of the goods,
24 services, facilities, privileges, advantages, and
25 accommodations of a place of public accommodation, resort, or
26 amusement on the basis of race, as defined in Section 3,
27 religion, sex, age, disability, or national origin.

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

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

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

9 (3) A religious organization and its activities and
10 facilities if compliance with this section would be
11 inconsistent with the religious tenets of the organization.

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

15 Section 3. (a) As used in this section, "race" means
16 ancestry, color, ethnic group identification, and ethnic
17 background, and traits historically associated with race,
18 including, but not limited to, skin complexion, hair texture,
19 and protective hairstyles, including but not limited to,
20 braids, locks, and twists.

21 (b) It shall be an unlawful employment practice for
22 an employer to fail or refuse to hire, or discharge any
23 individual, or to otherwise discriminate against any
24 individual with respect to his or her terms, conditions, or
25 benefits of employment, because of his or her race, religion,
26 sex, age, disability, or national origin.

1 (c) It shall be an unlawful employment practice for
2 an employment agency to fail or refuse to refer for
3 employment, or otherwise to discriminate against, any
4 individual because of his or her race, religion, sex, age,
5 disability, or national origin, or to classify or refer for
6 employment any individual on the basis of his or her
7 race, religion, sex, age, disability, or national origin.

8 (d) It shall be an unlawful employment practice for
9 a labor organization to exclude or to expel from its
10 membership, or otherwise to discriminate against, any
11 individual because of his or her race, religion, sex, age,
12 disability, or national origin.

13 (e) An employer, employment agency, or labor
14 organization shall be deemed to have engaged in an action
15 prohibited under this section if the individual's race,
16 religion, sex, age, disability, or national origin was a
17 motivating factor in the action, unless the employer,
18 employment agency, or labor organization can prove that there
19 was a legitimate, nondiscriminatory reason for the action.

20 (f) An employer, employment agency, or labor
21 organization may not take any adverse employment action
22 against, or otherwise discriminate against, any individual
23 because the individual has done any of the following:

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

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

1 (3) Assisted or otherwise participated in an
2 investigation under this section.

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

5 (g) An employer, employment agency, or labor
6 organization shall be deemed to have engaged in an action
7 prohibited under subsection (f) if the individual's action to
8 enforce a protection afforded any individual under this
9 section, testimony or making of a statement in connection with
10 any proceeding under this section, assistance or other
11 participation in an investigation under this section, or
12 exercise of a right provided for under this section, is a
13 motivating factor in the action, unless the employer,
14 employment agency, or labor organization can prove that there
15 was a legitimate, nondiscriminatory reason for the action.

16 Section 4. (a) Any individual whose rights under
17 Section 3 have been violated by an employer, employment
18 agency, or labor organization may bring a cause of action
19 against the employer, employment agency, or labor
20 organization.

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

25 (1) Comply with Section 3.

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

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

7 (c) No fees or court costs may be assessed and taxed
8 against any individual who brings a cause of action under
9 subsection (a).

10 (d) If an individual who obtained private counsel to
11 bring an action or proceeding under subsection (a) prevails in
12 the action or proceeding, the court may award the individual
13 reasonable attorney fees, expert witness fees, court costs,
14 and other litigation expenses.

15 Section 5. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.