

1 HB278
2 209120-1
3 By Representatives Whorton and Hanes
4 RFD: Health
5 First Read: 02-FEB-21

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8 SYNOPSIS: Under existing law, municipalities have the
9 power to adopt and enforce ordinances to compel
10 vaccinations in order to prevent the introduction
11 or spread of contagious, infectious, or
12 pestilential diseases.

13 This bill would repeal existing law
14 authorizing municipalities to adopt and enforce
15 ordinances to compel vaccinations in order to
16 prevent the introduction or spread of contagious,
17 infectious, or pestilential diseases.

18 This bill would provide that if a specific
19 immunization is ever required by law, exemptions
20 from the mandatory immunization shall be provided
21 for individuals who oppose immunization based on
22 religious beliefs or otherwise sincerely held
23 personal beliefs, as well as for those with certain
24 medical conditions.

25 This bill would provide that if a person
26 holding a power of attorney or acting as the next
27 of kin for an elderly person housed in a nursing

1 home or hospice, or holding a power of attorney or
2 acting as a guardian or next of kin for a mentally
3 or intellectually disabled individual, attests that
4 the individual should not be immunized because of
5 the caregiver's bona fide religious beliefs or
6 otherwise sincerely held personal beliefs that are
7 contrary to any required immunization, that
8 individual shall be exempt from those requirements.

9 This bill would prohibit an employer from
10 taking adverse action against an employee based on
11 the employee's immunization status.

12 This bill would prohibit an occupational
13 licensing board from denying, suspending, revoking,
14 or refusing to renew or reinstate a license for the
15 holder of, or applicant for, a license issued by
16 that board because of the immunization status of
17 that license holder or applicant.

18 This bill would also prohibit a place of
19 public accommodation or a facility operated or
20 maintained by a government entity from refusing
21 entry, where otherwise permitted, to an individual
22 based on that individual's immunization status.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to health; to provide that if a specific
2 immunization is ever required under law, exemptions from the
3 mandatory immunization shall be provided for individuals who
4 oppose immunization based on religious beliefs or otherwise
5 sincerely held personal beliefs, as well as for those with
6 certain medical conditions; to provide that individuals
7 holding a power of attorney or acting as a next of kin or
8 guardian of certain individuals may voice an objection to
9 vaccination for the individual under their care; to prohibit
10 employers from taking adverse action against employees based
11 on immunization status; to prohibit occupational licensing
12 boards from discriminating in certain ways against license
13 holders or license applicants based on immunization status; to
14 prohibit a place of public accommodation or a facility
15 operated or maintained by a government entity from refusing
16 entry, where otherwise permitted, to an individual based on
17 that individual's immunization status; and to repeal Section
18 11-47-132, Code of Alabama 1975, which authorizes
19 municipalities to adopt and enforce ordinances to compel
20 vaccinations in order to prevent the introduction or spread of
21 contagious, infectious, or pestilential diseases.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. This act may be known and shall be cited
24 as the "My Body, My Choice Vaccination Act."

25 Section 2. (a) For the purposes of this section, the
26 term "required immunization" means any mandatory or compulsory
27 vaccination required under law for an individual who has

1 reached the age of majority and is not a student of a K-12
2 public school.

3 (b) Upon the enactment of a law that mandates a
4 required immunization, the Board of Medical Examiners shall
5 adopt emergency rules pursuant to Section 41-22-5, Code of
6 Alabama 1975, defining medical contraindications to that
7 immunization.

8 (c) If a physician licensed to practice medicine in
9 this state certifies that the required immunization is or may
10 be detrimental to an individual's health due to the presence
11 of one of the contraindications adopted by the Board of
12 Medical Examiners, the individual is not required to receive
13 the immunization as long as the contraindication persists,
14 except as provided in subsection (d). The board, upon request
15 by a physician licensed to practice medicine in this state,
16 may grant a medical exemption to a required immunization for a
17 contraindication not included on the list adopted by the
18 board.

19 (d) (1) If the bona fide religious beliefs or
20 otherwise sincerely held personal beliefs of an individual are
21 contrary to any required immunization, the individual shall be
22 exempt from those requirements.

23 (2) For the purposes of this subdivision,
24 "caregiver" means an individual holding a power of attorney or
25 acting as the next of kin for an elderly individual housed in
26 a nursing home or hospice, or holding a power of attorney or
27 acting as a guardian or next of kin for a mentally or

1 intellectually disabled individual. If a caregiver attests
2 that the individual for whom he or she is a caregiver should
3 not be immunized because of the caregiver's bona fide
4 religious beliefs or otherwise sincerely held personal beliefs
5 that are contrary to any required immunization, that
6 individual shall be exempt from those requirements.

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

9 (1) ADVERSE ACTION. To discharge, refuse to hire,
10 refuse to promote, demote, harass during the course of
11 employment, or discriminate against in matters of compensation
12 against an employee.

13 (2) EMPLOYER. A person in this state that, at any
14 time, employs an individual or individuals who reside in this
15 state to perform services of any nature. The term includes any
16 individual who has control of the payment of wages for
17 services or is the officer, agent, or employee of the
18 individual having control of the payment of wages.

19 (b) (1) Notwithstanding any other provision of law,
20 an employer shall not take adverse action against an employee
21 based on an employee's immunization status.

22 (2) A current or former employee may pursue a civil
23 cause of action against an employer for any violation of
24 subdivision (1). Available remedies include, but are not
25 limited to, the following:

26 a. Injunctive relief.

27 b. Back pay.

1 c. Punitive damages.

2 (c) (1) For the purposes of this section, the terms
3 "license" and "occupational licensing board" have the same
4 meanings as in Section 41-9A-1, Code of Alabama 1975.

5 Notwithstanding any other provision of law, an occupational
6 licensing board shall not deny, suspend, revoke, or refuse to
7 renew or reinstate a license for the holder of, or applicant
8 for, a license issued by that board because of the
9 immunization status of that license holder or applicant.

10 (2) A holder of a license issued by an occupational
11 licensing board or an applicant for a license issued by that
12 board may pursue a civil cause of action against that board
13 for any violation of subdivision (1). Available remedies
14 include, but are not limited to, the following:

15 a. Injunctive relief.

16 b. Punitive damages.

17 Section 4. (a) For purposes of this section, "public
18 accommodation" has the same meaning as defined in 42 U.S.C.
19 §12181, except that it shall include any place of lodging
20 offering a room or rooms for rent, regardless of size or
21 number.

22 (b) Neither a public accommodation nor a facility
23 operated or maintained by the state or any political
24 subdivision of the state shall prohibit entry, where otherwise
25 permitted to members of the public, to an individual based
26 upon that individual's vaccination status.

1 Section 5. Section 11-47-132, Code of Alabama 1975,
2 providing for a system of compulsory vaccination by cities and
3 towns, is repealed.

4 Section 6. This act shall become effective
5 immediately upon its passage and approval by the Governor, or
6 its otherwise becoming law.