

1 HB27  
2 215115-1  
3 By Representative Hollis  
4 RFD: Judiciary  
5 First Read: 11-JAN-22  
6 PFD: 12/07/2021

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

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

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

This bill would make it unlawful for a person to deny any individual full and equal enjoyment of public accommodations based upon 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.