

1 HB608  
2 210966-2  
3 By Representative Meadows  
4 RFD: Health  
5 First Read: 07-APR-21

8 SYNOPSIS: This bill would prohibit an employer from  
9 taking adverse action against an employee or  
10 potential employee based on the employee's  
11 immunization status relating to any vaccination  
12 that has not received full FDA approval or that is  
13 given as part of a research protocol or that is  
14 experimental, and any vaccines for the coronavirus.

15 This bill would also prohibit a place of  
16 public accommodation, or a facility operated or  
17 maintained by a government entity, from refusing  
18 entry, where otherwise permitted, to an individual  
19 based on that individual's immunization status  
20 relating to any vaccination that has not received  
21 full FDA approval or that is given as part of a  
22 research protocol or that is experimental, and any  
23 vaccines for the coronavirus.

24  
25 A BILL  
26 TO BE ENTITLED  
27 AN ACT

1  
2           Relating to health; to prohibit employers from  
3 taking adverse action against employees or potential employees  
4 based on immunization status; and to prohibit a place of  
5 public accommodation or a facility operated or maintained by a  
6 government entity from refusing entry, where otherwise  
7 permitted, to an individual based on that individual's  
8 immunization status.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10           Section 1. (a) For the purposes of this section, the  
11 following terms have the following meanings:

12           (1) ADVERSE ACTION. To discharge, refuse to promote,  
13 demote, harass during the course of employment, or  
14 discriminate against in matters of compensation against an  
15 employee or to refuse to hire a potential employee.

16           (2) CORONAVIRUS. Any virus in the family of viruses  
17 known as a coronavirus, a group of RNA viruses that cause a  
18 variety of respiratory, gastrointestinal, and neurological  
19 diseases in humans.

20           (3) EMPLOYER. An individual or entity in this state  
21 that, at any time, employs an individual or individuals who  
22 reside in this state to perform services of any nature. The  
23 term includes any individual who has control of the payment of  
24 wages for services or who is the officer, agent, or employee  
25 of the individual having control of the payment of wages.

26           (4) IMMUNIZATION STATUS. The status of either having  
27 received or not received a vaccination for coronavirus or any

1 other immunization that has not received full FDA approval or  
2 any vaccine that is given as part of a research protocol or is  
3 experimental.

4 (5) PUBLIC ACCOMMODATION. The same meaning as  
5 defined in 42 U.S.C. § 12181, except that it shall include any  
6 place of lodging offering a room or rooms for rent, regardless  
7 of size or number.

8 (b) (1) Notwithstanding any other provision of law,  
9 an employer shall not take adverse action against an employee  
10 or potential employee based on that employee or potential  
11 employee's immunization status.

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

- 16 a. Injunctive relief.
- 17 b. Back pay.
- 18 c. Punitive damages.

19 (c) A public accommodation or a facility operated or  
20 maintained by the state, or any political subdivision of the  
21 state, may not prohibit entry, where otherwise permitted to  
22 members of the public, to an individual based upon that  
23 individual's immunization status.

24 Section 2. This act shall become effective  
25 immediately upon its passage and approval by the Governor, or  
26 its otherwise becoming law.