

HB18 INTRODUCED



1 HB18
2 40ZQRR-1
3 By Representative Givan
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 01-Dec-23



SYNOPSIS:

This bill would make it unlawful for a person to deny an individual full and equal enjoyment of public accommodations based upon the individual's weight or body size.

This bill would also make it unlawful for an employer to discriminate against an applicant or employee based upon the applicant or employee's weight or body size and would create a cause of action against an employer who does so.

A BILL
TO BE ENTITLED
AN ACT

Relating to discrimination; to make it unlawful for a person to deny an individual full and equal enjoyment of public accommodations based upon the individual's weight or body size; to make it unlawful for an employer to discriminate against an applicant or employee based upon the applicant or employee's weight or body size; and to create a cause of action against an employer who does so.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known as the "Nick



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Arjomand No Weight Discrimination Act."

Section 2. The Legislature of the state finds that weight discrimination is a form of unjust and unfair treatment that can result in significant harm to individuals. The purpose of this act is to prohibit weight discrimination and promote equality, dignity, and respect for all individuals in the State of Alabama.

Section 3. (a) As used in this section, "place of public accommodation" includes any place, store, or other establishment, either licensed or unlicensed, which supplies goods or services to the general public which solicits or accepts the patronage or trade of the general public, or which is supported directly or indirectly by government funds.

(b) It is unlawful for a person to deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation based upon the individual's weight or body size.

Section 4. (a) It is an unlawful employment practice for an employer to fail or refuse to hire or promote or to discharge any individual, or to otherwise discriminate against any individual with respect to the individual's compensation, terms, conditions, or privileges of employment because of the individual's weight or body size.

(b) An employer may not discriminate or take any adverse employment action against any individual because the individual has done any of the following:

(1) Opposed any practice made an unlawful employment



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practice by this section.

(2) Made a charge in an investigation, proceeding, or hearing under this section.

(3) Testified or otherwise made a statement in an investigation, proceeding, or hearing under this section.

(4) Assisted in an investigation, proceeding, or hearing under this section.

(5) Participated in any manner in an investigation, proceeding, or hearing under this section.

(c) An employer shall be deemed to have engaged in an action prohibited under subsection (a) if the individual's weight or body size is a motivating factor in the employer's action, unless the employer can prove that there was a legitimate, nondiscriminatory reason for the adverse employment action.

(d) An employer shall be deemed to have engaged in an action prohibited under subsection (b) if the individual's opposition to any practice made unlawful by this section, or charge, testimony, assistance, or participation in any manner in an investigation, proceeding, or hearing under this section is a motivating factor in the employer's action, unless the employer can prove that there was a legitimate, nondiscriminatory reason for the adverse employment action.

Section 5. (a) Any individual whose rights under Section 3 or Section 4 have been violated by a person or employer may bring a cause of action against the employer.

(b) In any action filed under this section, the court may award relief and require the person or employer to do any



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one or more of the following:

(1) Comply with Section 3 or Section 4.

(2) Compensate the individual for any loss of wages or benefits suffered by reason of the person or employer's failure to comply with Section 4.

(3) Pay the individual liquidated damages in an amount equal to the amount of lost wages or benefits suffered by reason of the person or employer's failure to comply with Section 4, if the court determines that the person or employer's failure to comply was willful.

(c) No fees or court costs may be charged or taxed against any individual claiming a right under Section 3 or Section 4.

(d) If an individual who obtained private counsel to bring an action or proceeding under Section 4 or Section 5 prevails in the action or proceeding, the court may award the individual reasonable attorney fees, expert witness fees, and other litigation expenses.

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

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