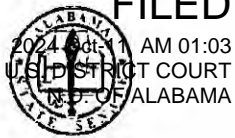


SB129 ENROLLED



ACT #2024 - 34

1 SB129

2 48A1R3R-2

3 By Senators Barfoot, Roberts, Elliott, Waggoner, Gudger,

4 Shelnutt, Williams, Price, Chesteen, Orr, Jones, Butler,

5 Allen, Givhan, Weaver, Livingston, Melson, Sessions,

6 Albritton, Bell, Kelley, Carnley, Chambliss, Kitchens, Stutts

7

8 RFD: County and Municipal Government

9 First Read: 20-Feb-24



**SB129 Enrolled**

1 Enrolled, An Act,

2
3
4
5 Relating to diversity, equity, and inclusion; to
6 prohibit certain public entities from maintaining diversity,
7 equity, and inclusion offices and from sponsoring diversity,
8 equity, and inclusion programs; to provide prohibitions on the
9 promotion, endorsement, and affirmation of certain divisive
10 concepts in certain public settings; with exceptions to
11 provide that certain circumstances are not prohibited; to
12 require public institutions of higher education to designate
13 restrooms on the basis of biological sex; and to authorize
14 certain penalties for violation.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. For the purposes of this act, the following
17 terms have the following meanings:

18 (1) CONTRACTOR. Any individual or entity that provides
19 services to a state agency, public institution of higher
20 education, or local board of education. This term does not
21 include an individual or entity that provides construction
22 services.

23 (2) DIVISIVE CONCEPTS. Any of the following concepts:

24 a. That any race, color, religion, sex, ethnicity, or
25 national origin is inherently superior or inferior.

26 b. That individuals should be discriminated against or
27 adversely treated because of their race, color, religion, sex,
28 ethnicity, or national origin.

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29 c. That the moral character of an individual is
30 determined by his or her race, color, religion, sex,
31 ethnicity, or national origin.

32 d. That, by virtue of an individual's race, color,
33 religion, sex, ethnicity, or national origin, the individual
34 is inherently racist, sexist, or oppressive, whether
35 consciously or subconsciously.

36 e. That individuals, by virtue of race, color,
37 religion, sex, ethnicity, or national origin, are inherently
38 responsible for actions committed in the past by other members
39 of the same race, color, religion, sex, ethnicity, or national
40 origin.

41 f. That fault, blame, or bias should be assigned to
42 members of a race, color, religion, sex, ethnicity, or
43 national origin, on the basis of race, color, religion, sex,
44 ethnicity, or national origin.

45 g. That any individual should accept, acknowledge,
46 affirm, or assent to a sense of guilt, complicity, or a need
47 to apologize on the basis of his or her race, color, religion,
48 sex, ethnicity, or national origin.

49 h. That meritocracy or traits such as a hard work ethic
50 are racist or sexist.

51 (3) DIVERSITY, EQUITY, AND INCLUSION PROGRAM. Any
52 program, class, training, seminar, or other event where
53 attendance is based on an individual's race, sex, gender
54 identity, ethnicity, national origin, or sexual orientation,
55 or that otherwise violates this act. This term does not
56 include programs, classes, trainings, seminars, or other

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events that are necessary to comply with applicable state law, federal law, or court order.

(4) PUBLIC INSTITUTION OF HIGHER EDUCATION. As defined under Section 16-5-1, Code of Alabama 1975, which includes all universities governed by constitutionally created boards of trustees.

(5) STUDENT. Any individual enrolled in a public K-12 school or public institution of higher education.

Section 2. A state agency, local board of education, or public institution of higher education may not do any of the following:

(1) Sponsor any diversity, equity, and inclusion program or maintain any office, physical location, or department that promotes diversity, equity, and inclusion programs, as defined in subdivision (3) of Section 1.

(2) Direct or compel a student, employee, or contractor to personally affirm, adopt, or adhere to a divisive concept.

(3) Require its students, employees, or contractors to attend or participate in any diversity, equity, and inclusion program or any training, orientation, or course work that advocates for or requires assent to a divisive concept.

(4) Require a student, employee, or contractor to share his or her personal point of view on any divisive concept outside of an academic setting, as provided in Section 4(3)b.

(5) Require its students, employees, or contractors to participate, as part of any required curriculum or mandatory professional training, in an activity that involves lobbying at the state or local level for legislation related to a



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35 divisive concept.

36 (6) Penalize or discriminate against a student,
37 employee, or contractor on the basis of his or her refusal to
38 support, believe, endorse, embrace, confess, or otherwise
39 assent to a divisive concept or diversity statement.

90 (7) Condition enrollment or attendance in a class,
91 training, or orientation solely on the basis of race or color.

92 (8) Authorize or expend funding, or apply for or accept
93 a grant, federal funding, or private funding, for the purpose
94 of compelling assent to any divisive concept or any other
95 purpose prohibited in this act, provided that such funding may
96 be provided to student, faculty, or staff organizations or
97 associations.

98 Section 3. All state agencies and political
99 subdivisions, including local boards of education and public
100 institutions of higher education, may discipline or terminate
101 the employment of any employee or contractor who knowingly
102 violates this act, provided that:

103 (1) Any disciplinary action or termination of an
104 employee of a public institution of higher education shall
105 remain subject to relevant policies established by the
106 institution.

107 (2) Termination of an employee or contractor of a local
108 board of education remains subject to the appeal of the
109 termination to the local board of education or State Board of
110 Education if applicable, or, if applicable, the Teacher
111 Accountability Act, Chapter 24B of Title 16, Code of Alabama
112 1975, and the Students First Act, Chapter 24C of Title 16.



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113 Code of Alabama 1975.

114 (3) No state agency or political subdivision may
115 terminate a contract or contractor under this section unless a
116 contractor in this state knowingly violated this act in the
117 course of his or her contractual obligation.

118 Section 4. Nothing in this act:

119 (1) Prevents student, staff, or faculty organizations
120 or associations from hosting diversity, equity, and inclusion
121 programs or discussions that may involve divisive concepts,
122 provided that no state funds are used to sponsor these
123 programs. If a student, staff, or faculty organization or
124 association hosts an event pursuant to this subdivision, it
125 shall identify the sponsor of the event at the event and in
126 any advertisements relating to the event.

127 (2) Prevents an employee or a contractor of a state
128 agency, local board of education, or public institution of
129 higher education who provides, as part of his or her job
130 duties, orientation, course work, or training from responding
131 to questions that are raised by participants in the
132 orientation, course work, or training and that pertain to
133 divisive concepts or diversity, equity, and inclusion.

134 (3)a. Prohibits a public institution of higher
135 education from providing any instruction or taking any action
136 in furtherance of satisfying any accreditation standard or
137 requirement.

138 b. Prohibits a public institution of higher education
139 from authorizing the teaching or discussion of any divisive
140 concept in an objective manner and without endorsement as part

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141 of a larger course of academic instruction, provided the
142 institution and its employees do not compel assent to any
143 divisive concept and otherwise comply with the provisions of
144 this act.

145 c. Prohibits the required collection or reporting of
146 demographic data by public institutions of higher education.

147 (4) Prohibits the teaching of topics or historical
148 events in a historically accurate context.

149 (5) Prohibits an institution of higher education from
150 performing research, collecting data, engaging in recruiting
151 and outreach programs, offering academic support services,
152 engaging in clinical trials, or providing medical, mental, or
153 any health care or clinical services targeted to support
154 individuals of any specific demographic.

155 (6) Prevents state agencies from promoting racial,
156 cultural, or ethnic diversity or inclusiveness, provided these
157 efforts are consistent with the requirements of this act.

158 (7) Prohibits a public institution of higher education
159 from providing space or ancillary services to any student or
160 employee on a non-discriminatory basis, including, but not
161 limited to, support and guidance to ensure compliance with
162 applicable university policies and laws, assistance with
163 security needs, and registration of events.

164 (8) Prohibits housing, athletic programming, or social
165 organizations that are segregated by sex. Each public
166 institution of higher education shall ensure that every
167 multiple occupancy restroom be designated for use by
168 individuals based on their biological sex, as defined by



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Section 16-1-54, Code of Alabama 1975.

(9) May be construed to inhibit or violate the First Amendment rights of any student or employee, or to undermine the duty of a public institution of higher education to protect, to the greatest degree, academic freedom, intellectual diversity, and free expression.

(10) Shall be deemed to affect or revise any provision in state law requiring that membership of a state board, commission, or authority be inclusive and reflect the racial, gender, geographic, urban, rural, and economic diversity of the state, nor impact any public official appointed to a state board, commission, or authority as of October 1, 2024.

(11) May be construed to affect or limit the activities of the Alabama Office of Minority Affairs.

Section 5. It is the intent of the Legislature that all constitutionally created boards of trustees comply with the requirements of this act.

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

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



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB129

Senate 22-Feb-24

I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 07-Mar-24

Senate concurred in House amendment 19-Mar-24

By: Senator Barfoot

APPROVED

TIME

GOVERNOR

Alabama Secretary Of State

Act Num.....: 2024-34
Bill Num 01531 S-129

Rec'd 03/20/24 01:14pm KCW
Plaintiffs Exhibit 364

ENGROSSED

SENATE BILL NO. 120

SPONSOR

1. Buckner
CO-SPONSORS

2. Fabrizio 19. Abbott
3. Felick 20. Borah
4. Waggoner 21. Haley
5. Gooden 22. Conaway
6. Shulmiff 23. Chamberlain
7. Whelan 24. Kitchen
8. Porter 25. Shultz
9. Chesler 26. _____
10. Cost 27. _____
11. James 28. _____
12. Burke 29. _____
13. Allen 30. _____
14. Guthrie 31. _____
15. Underhill 32. _____
16. Wainwright 33. _____
17. Mulvaney 34. _____
18. Seidman 35. _____

SENATE ACTION

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 124.

YEAS 73 NAYS 6 ABSTAIN 0

PATRICK HARRIS,
Secretary

I hereby certify that the notice & proof is attached to the Bill, SB _____ as required in the General Acts of Alabama, 1975 Act No. 919.

PATRICK HARRIS,
Secretary

CONFERENCE COMMITTEE

Senate Conferees _____

HOUSE ACTION

DATE: 2/27 2024RD 1 RFD 56

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on STATE GOVERNMENT was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) 0 w/sub 1.
This 5th day of MARCH, 2024
Chris Miller Chairperson

DATE: 3.5 2024RF 10/500 RD 2 CAL

DATE: _____ 20____

RE-REFERRED ☐ RE-COMMITTED ☐

Committee _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 124.

YEAS 75 NAYS 28

JOHN TREADWELL,
Clerk

FURTHER HOUSE ACTION (OVER)