

By: Slaton

H.B. No. 110

A BILL TO BE ENTITLED

AN ACT

relating to COVID-19 vaccination policies and related measures of governmental entities; creating criminal offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter 2, Chapter 51, Education Code, is amended by adding Section 51.91925 to read as follows:

Sec. 51.91925. PROHIBITED COVID-19 POLICIES; CRIMINAL OFFENSE; REPORTING SYSTEM. (a) In this section:

(1) "COVID-19" means the 2019 novel coronavirus disease.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

(b) An institution of higher education may not adopt or enforce a policy that:

(1) prohibits a student from residing in a dormitory or other student housing facility or from attending in-person classes or meetings based on the student's refusal or failure to be vaccinated against COVID-19; or

(2) discriminates in any manner against a student, in relation to the student residing in a dormitory or other student housing facility or attending in-person classes or meetings, who tests positive for, is exposed to an individual who tests positive for, or is experiencing symptoms related to COVID-19 based on the student's vaccination status or the student's refusal or failure to

1 provide documentation of the student's vaccination against
2 COVID-19.

3 (c) Subsection (b) does not prohibit an institution of
4 higher education from adopting a quarantine policy for a student
5 who tests positive for, is exposed to an individual who tests
6 positive for, or is experiencing symptoms related to COVID-19
7 provided the policy does not discriminate against the student based
8 on the student's vaccination status or the student's refusal or
9 failure to provide documentation of the student's vaccination
10 against COVID-19.

11 (d) An officer or employee of an institution of higher
12 education commits an offense if the officer or employee violates
13 this section. An offense under this subsection is a misdemeanor
14 punishable only by a fine of not less than \$1,000 for each
15 violation, except that the offense is a Class A misdemeanor if the
16 officer or employee has been previously convicted three or more
17 times of an offense under this subsection.

18 (e) The Department of Public Safety shall develop and
19 maintain a reporting system accessible through the department's
20 Internet website through which an individual may submit information
21 related to a violation of this section and allow criminal justice
22 agencies as defined by Article 66.001, Code of Criminal Procedure,
23 to access the information for investigation or prosecution of the
24 violation.

25 SECTION 2. Subchapter A, Chapter 161, Health and Safety
26 Code, is amended by adding Section 161.0015 to read as follows:

27 Sec. 161.0015. PROHIBITED COVID-19 VACCINATION POLICIES;

1 CRIMINAL OFFENSE; REPORTING SYSTEM. (a) In this section:

2 (1) "COVID-19" means the 2019 novel coronavirus
3 disease.

4 (2) "Governmental entity" means this state, a
5 political subdivision of this state, or an agency of this state or a
6 political subdivision of this state. The term includes an
7 institution of higher education as defined by Section 61.003,
8 Education Code.

9 (b) A governmental entity may not adopt or enforce a policy
10 that requires an individual to be vaccinated against COVID-19,
11 including a policy requiring a COVID-19 vaccination for the
12 individual to:

13 (1) obtain a service or benefit provided by the
14 governmental entity;

15 (2) gain access to an establishment owned or operated
16 by the governmental entity; or

17 (3) contract with the governmental entity.

18 (c) An officer or employee of a governmental entity commits
19 an offense if the officer or employee violates this section. An
20 offense under this subsection is a misdemeanor punishable only by a
21 fine of not less than \$1,000 for each violation, except that the
22 offense is a Class A misdemeanor if the officer or employee has been
23 previously convicted three or more times of an offense under this
24 subsection.

25 (d) The Department of Public Safety shall develop and
26 maintain a reporting system accessible through the department's
27 Internet website through which an individual may submit information

1 related to a violation of this section and allow criminal justice
2 agencies as defined by Article 66.001, Code of Criminal Procedure,
3 to access the information for investigation or prosecution of the
4 violation.

5 SECTION 3. Section 51.91925, Education Code, and Section
6 161.0015, Health and Safety Code, as added by this Act, apply only
7 to conduct that occurs on or after the effective date of this Act.

8 SECTION 4. This Act takes effect February 1, 2022.