

By: Slaton

H.B. No. 125

A BILL TO BE ENTITLED

AN ACT

relating to prohibitions on compliance with and enforcement of federal COVID-19 vaccine mandates; creating criminal offenses.

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

SECTION 1. Chapter 52, Labor Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. RESTRICTIONS ON COVID-19 VACCINATIONS

Sec. 52.081. DEFINITIONS. In this subchapter:

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

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

Sec. 52.082. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies to the Texas National Guard as if it were a governmental entity.

(b) This subchapter does not apply to enforcement by an agency of or a corporation wholly owned by the federal government of a mandate requiring a full-time employee of the agency or corporation be vaccinated against COVID-19.

Sec. 52.083. PROHIBITION ON REQUIRED COVID-19 VACCINATIONS AND RELATED ENFORCEMENT; OFFENSE; PENALTY. (a) A person is not

1 required to comply with a federal statute, order, rule, or
2 regulation mandating or purporting to mandate COVID-19
3 vaccinations if that vaccination requirement does not exist under
4 the laws of this state.

5 (b) A governmental entity or an officer, employee, or other
6 individual under the direction or control of the entity may not
7 enforce or attempt to enforce any federal statute, order, rule, or
8 regulation described by Subsection (a).

9 (c) A governmental entity or an officer, employee, or other
10 individual under the direction or control of the entity may not
11 require a person to respond to or make an appearance in court for an
12 action or suit filed against the person based on a violation of a
13 federal statute, order, rule, or regulation described by Subsection
14 (a).

15 (d) The attorney general shall defend a governmental entity
16 in any action or suit filed against the entity based on a violation
17 of a federal statute, order, rule, or regulation described by
18 Subsection (a).

19 (e) An officer, employee, or other individual under the
20 direction and control of a governmental entity who violates
21 Subsection (b) commits an offense. An offense under this
22 subsection is a felony of the third degree.

23 Sec. 52.084. PROHIBITION ON COOPERATION WITH FEDERAL
24 GOVERNMENT; OFFENSE; PENALTY. (a) A governmental entity or an
25 officer, employee, or other person under the direction or control
26 of a governmental entity, including a sheriff, deputy sheriff, or
27 other peace officer, may not give force or effect to any court order

1 that conflicts with this subchapter.

2 (b) Cooperative agreements with federal agencies
3 notwithstanding, a law enforcement agency or peace officer in this
4 state may not assist or cooperate in any way with the enforcement of
5 any federal statute, order, rule, or regulation described by
6 Section 52.083(a).

7 (c) A person commits an offense if, in the person's official
8 capacity as a federal officer or agent the person knowingly:

9 (1) enforces or attempts to enforce any federal
10 statute, order, rule, or regulation described by Section 52.083(a);
11 or

12 (2) assists a person acting in an official capacity as
13 an officer or agent of the federal government in enforcing or
14 attempting to enforce any federal statute, order, rule, or
15 regulation described by Section 52.083(a).

16 (d) An offense under Subsection (c) is a felony of the third
17 degree.

18 Sec. 52.085. ENFORCEMENT OF SUBCHAPTER. (a) The attorney
19 general shall enforce this subchapter by injunction and any other
20 available remedy.

21 (b) The governor shall take any action within the governor's
22 powers to enforce this subchapter.

23 (c) Each governmental entity shall enforce this subchapter.

24 (d) A peace officer shall arrest a person who commits an
25 offense under Section 52.083 or 52.084 and an attorney representing
26 the state shall prosecute the offense.

27 SECTION 2. Any federal statute, order, rule, regulation,

1 treaty, or court decision that purports to supersede, stay, or
2 overrule this Act is in violation of the Texas Constitution and the
3 United States Constitution and is therefore void. The State of
4 Texas, a governmental entity of this state, and any agent of this
5 state or a governmental entity of this state may, but is not
6 required to, enter an appearance, special or otherwise, in any
7 federal suit challenging this Act.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect on the 91st day after the last day of the
13 legislative session.