

By: Slawson

H.B. No. 167

A BILL TO BE ENTITLED

AN ACT

relating to civil liability for certain vaccine requirements or incentives.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 100B to read as follows:

CHAPTER 100B. LIABILITY FOR MANDATED OR INCENTIVIZED VACCINATION

Sec. 100B.001. DEFINITIONS.

(1) "Employer" means, unless otherwise specified, a person who makes a contract of hire or employs one or more employees.

(2) "Employee" means a person in the service of another under a contract of hire, whether express or implied, or oral or written, and includes an independent contractor.

(3) "Person" is defined as set forth in Texas Business and Commerce Code Section 1.201.

Sec. 100B.002. LIABILITY FOR VACCINE REQUIREMENT OR INCENTIVE IN EMPLOYMENT. An employee may bring an action against the employer for actual damages caused by a vaccine if:

(1) the employer:

(A) requires the employee to receive the vaccine as a condition of employment; or

(B) incentivizes the employee's receipt of the vaccine through any form of remuneration, compensation, or benefit;

1 and

2 (2) the employee receives the vaccine on account of  
3 the employer's requirement or incentive.

4 Sec. 100B.003. LIABILITY FOR REQUIRING OR INCENTIVIZING  
5 VACCINE TO RECEIVE GOODS OR SERVICES. An individual may bring an  
6 action against a person for actual damages caused by a vaccine if:

7 (1) the person:

8 (A) requires the individual to receive the  
9 vaccine as a condition of receiving goods or services offered in  
10 this state by the person; or

11 (B) incentivizes through any form of  
12 remuneration, compensation, benefit, or discount, the individual  
13 to receive the vaccine in connection with the provision of goods or  
14 services in this state to the individual; and

15 (2) the individual receives the vaccine on account of  
16 the person's requirement or incentive.

17 Sec. 100B.004. LIMITATIONS PERIOD. A claimant must bring  
18 suit under this chapter not later than four years after the day the  
19 claimant knew, or reasonably should have known, of the injury or  
20 damages giving rise to the person's cause of action.

21 Sec. 100B.005. WAIVER OR LIMITATION VOID. A person may not  
22 wave or limit a right or remedy granted by this chapter. A  
23 purported waiver or limitation of any right or remedy granted by  
24 this chapter is void.

25 SECTION 2. Chapter 100B, Civil Practice and Remedies Code,  
26 as added by this Act, applies only to a cause of action that accrues  
27 on or after the effective date of this Act.

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1           SECTION 3. This Act takes effect on the 91st day after the  
2 last day of the legislative session.