

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting an employer from adopting or enforcing certain COVID-19 vaccine mandates; authorizing an administrative penalty.

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

SECTION 1. Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 81D to read as follows:

CHAPTER 81D. PROHIBITED CORONAVIRUS VACCINE MANDATES BY EMPLOYER

Sec. 81D.001. DEFINITIONS. In this chapter:

(1) "Adverse action" means an action taken by an employer that a reasonable person would consider was for the purpose of punishing, alienating, or otherwise adversely affecting an employee, contractor, applicant for employment, or applicant for a contract position.

(2) "Commission" means the Texas Workforce Commission.

(3) "COVID-19" means the 2019 novel coronavirus disease and any variants of the disease.

(4) "Employer" means a person who employs one or more employees.

Sec. 81D.002. EMPLOYER CORONAVIRUS VACCINE MANDATES PROHIBITED. An employer may not adopt or enforce a mandate requiring an employee, contractor, applicant for employment, or applicant for a contract position to be vaccinated against COVID-19

1 as a condition of employment or a contract position.

2 Sec. 81D.003. PROHIBITED ADVERSE ACTION BY EMPLOYER. An  
3 employer may not take an adverse action against an employee,  
4 contractor, applicant for employment, or applicant for a contract  
5 position for a refusal to be vaccinated against COVID-19.

6 Sec. 81D.004. COMPLAINT; INVESTIGATION. (a) An employee,  
7 contractor, applicant for employment, or applicant for a contract  
8 position against whom an employer took an adverse action in  
9 violation of this chapter may file a complaint with the commission  
10 in the form and manner prescribed by commission rules.

11 (b) A complaint filed with the commission must include the  
12 following information:

13 (1) the name of the complainant;

14 (2) the name of the employer; and

15 (3) the nature and description of any alleged adverse  
16 action the employer took against the complainant.

17 (c) On receipt of a complaint under Subsection (a), the  
18 commission shall conduct an investigation to determine whether the  
19 employer took an adverse action against the complainant because of  
20 the complainant's refusal to be vaccinated against COVID-19.

21 (d) The commission shall adopt rules prescribing the  
22 procedures for accepting complaints and conducting investigations  
23 under this section.

24 Sec. 81D.005. INJUNCTIVE RELIEF. (a) The attorney general  
25 may bring an action for injunctive relief against the employer to  
26 prevent further violations of this chapter by the employer. The  
27 action must be filed in a district court in:

1           (1) Travis County; or

2           (2) the county in which the alleged adverse action  
3 occurred.

4           (b) In an injunction issued under Subsection (a), a court  
5 may include reasonable requirements to prevent further violations  
6 of this section.

7           Sec. 81D.006. ADMINISTRATIVE PENALTY. The commission may  
8 impose on an employer who violates this chapter an administrative  
9 penalty of not more than \$1,000 for each violation, unless the  
10 employer, as applicable:

11           (1) hires the applicant for employment or offers a  
12 contract to the applicant for a contract position; or

13           (2) reinstates the employee or contractor and provides  
14 the employee or contractor with back pay from the date the employer  
15 took the adverse action and makes every reasonable effort to  
16 reverse the effects of the adverse action, including reestablishing  
17 employee benefits for which the employee or contractor otherwise  
18 would have been eligible if the adverse action had not been taken.

19           SECTION 2. The change in law made by this Act applies only  
20 to conduct or an adverse action that occurs on or after the  
21 effective date of this Act.

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