

Amend Amendment No. 1 by Krause to CSHB 2561 (page 5 of the prefiled amendments packet) by striking page 1, line 6 through page 2, line 3 and substituting the following:

Sec. 551.008. CLAIM OR DEFENSE FOR PROHIBITED RULE OR POLICY. (a) A person may assert as an affirmative defense in an administrative hearing or as a claim or defense in a judicial proceeding under Chapter 37, Civil Practice and Remedies Code, that a board rule, regulation, or policy, or a penalty imposed by the board:

(1) limits the ability of an applicant for a license or for registration under this subtitle to be license or registered based on a sincerely held religious belief of the applicant; or

(2) burdens a license holder's or registrant's:

(A) free exercise of religion, regardless of whether the burden is the result of a rule generally applicable to all license holders or registrants, as applicable;

(B) freedom of speech regarding a sincerely held religious belief; or

(C) membership in any religious organization.

(b) Subsection (a) does not apply to a rule, regulation, or policy adopted or a penalty imposed by the board that results in a limitation or burden described by Subsection (a) if the rule, regulation, policy, or penalty is:

(1) essential to enforcing a compelling governmental purpose; and

(2) narrowly tailored to accomplish that purpose.

(c) A person may bring an action for injunctive relief against a violation of this section.