

By: Rinaldi

H.B. No. 3856

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the conduct of certain counseling professions.

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

SECTION 1. Subchapter A, Chapter 501, Occupations Code, is amended by adding Section 501.0031 to read as follows:

Sec. 501.0031. REFUSAL BASED ON RELIGIOUS BELIEF. (a) In this section, "psychological services" has the meaning assigned by Section 501.003.

(b) A person who holds a license under this chapter may refuse to provide a psychological service to a person if providing the service would cause the license holder to violate a sincerely held religious belief.

(c) A license holder who refuses to provide a psychological service to a person under Subsection (b) shall coordinate a referral of the person to a psychologist, marriage and family therapist, licensed professional counselor, chemical dependency counselor, or social worker, as appropriate, who agrees to provide the counseling or therapy service.

(d) The board may not take disciplinary action against or impose an administrative penalty on a license holder based on the license holder's refusal to provide a psychological service under Subsection (b).

(e) A person may not bring a cause of action against a

1 license holder based on the license holder's refusal to provide a  
2 psychological service under Subsection (b).

3 (f) This state or a political subdivision of this state may  
4 not penalize or withhold benefits, including tax exemptions,  
5 governmental contracts, or grants, from a license holder based on  
6 the license holder's refusal to provide a psychological service  
7 under Subsection (b).

8 (g) A license holder's refusal to provide a psychological  
9 service under Subsection (b) is not conduct that constitutes an  
10 element of a criminal offense.

11 SECTION 2. Subchapter A, Chapter 502, Occupations Code, is  
12 amended by adding Section 502.005 to read as follows:

13 Sec. 502.005. REFUSAL BASED ON RELIGIOUS BELIEF. (a) A  
14 person who holds a license under this chapter may refuse to provide  
15 marriage and family therapy to a person if providing the therapy  
16 would cause the license holder to violate a sincerely held  
17 religious belief.

18 (b) A license holder who refuses to provide marriage and  
19 family therapy to a person under Subsection (a) shall coordinate a  
20 referral of the person to a psychologist, marriage and family  
21 therapist, licensed professional counselor, chemical dependency  
22 counselor, or social worker, as appropriate, who agrees to provide  
23 the counseling or therapy service.

24 (c) The board may not take disciplinary action against or  
25 impose an administrative penalty on a license holder based on the  
26 license holder's refusal to provide marriage and family therapy  
27 under Subsection (a).

1       (d) A person may not bring a cause of action against a  
2 license holder based on the license holder's refusal to provide  
3 marriage and family therapy under Subsection (a).

4       (e) This state or a political subdivision of this state may  
5 not penalize or withhold benefits, including tax exemptions,  
6 governmental contracts, or grants, from a license holder based on  
7 the license holder's refusal to provide marriage and family therapy  
8 under Subsection (a).

9       (f) A license holder's refusal to provide marriage and  
10 family therapy under Subsection (a) is not conduct that constitutes  
11 an element of a criminal offense.

12       SECTION 3. Subchapter A, Chapter 503, Occupations Code, is  
13 amended by adding Section 503.0031 to read as follows:

14       Sec. 503.0031. REFUSAL BASED ON RELIGIOUS BELIEF. (a) A  
15 licensed professional counselor may refuse to provide a service  
16 within the practice of professional counseling to a person if  
17 providing the service would cause the counselor to violate a  
18 sincerely held religious belief.

19       (b) A licensed professional counselor who refuses to  
20 provide a service to a person under Subsection (a) shall coordinate  
21 a referral of the person to a psychologist, marriage and family  
22 therapist, licensed professional counselor, chemical dependency  
23 counselor, or social worker, as appropriate, who agrees to provide  
24 the counseling or therapy service.

25       (c) The board may not take disciplinary action against or  
26 impose an administrative penalty on a licensed professional  
27 counselor based on the counselor's refusal to provide a service

1 under Subsection (a).

2 (d) A person may not bring a cause of action against a  
3 licensed professional counselor based on the counselor's refusal to  
4 provide a service under Subsection (a).

5 (e) This state or a political subdivision of this state may  
6 not penalize or withhold benefits, including tax exemptions,  
7 governmental contracts, or grants, from a licensed professional  
8 counselor based on the counselor's refusal to provide a service  
9 under Subsection (a).

10 (f) A licensed professional counselor's refusal to provide  
11 a service under Subsection (a) is not conduct that constitutes an  
12 element of a criminal offense.

13 SECTION 4. Subchapter A, Chapter 504, Occupations Code, is  
14 amended by adding Section 504.003 to read as follows:

15 Sec. 504.003. REFUSAL BASED ON RELIGIOUS BELIEF. (a) A  
16 person who holds a license, registration, or certification under  
17 this chapter may refuse to provide chemical dependency counseling  
18 to a person if providing the counseling would cause the holder to  
19 violate a sincerely held religious belief.

20 (b) A license, registration, or certificate holder who  
21 refuses to provide chemical dependency counseling to a person under  
22 Subsection (a) shall coordinate a referral of the person to a  
23 psychologist, marriage and family therapist, licensed professional  
24 counselor, chemical dependency counselor, or social worker, as  
25 appropriate, who agrees to provide the counseling or therapy  
26 service.

27 (c) The department may not take disciplinary action against

1 or impose an administrative penalty on a person who holds a license,  
2 registration, or certification based on the holder's refusal to  
3 provide chemical dependency counseling under Subsection (a).

4 (d) A person may not bring a cause of action against a person  
5 who holds a license, registration, or certification based on the  
6 holder's refusal to provide chemical dependency counseling under  
7 Subsection (a).

8 (e) This state or a political subdivision of this state may  
9 not penalize or withhold benefits, including tax exemptions,  
10 governmental contracts, or grants, from a license, registration, or  
11 certificate holder based on the holder's refusal to provide  
12 chemical dependency counseling under Subsection (a).

13 (f) A license, registration, or certificate holder's  
14 refusal to provide chemical dependency counseling under Subsection  
15 (a) is not conduct that constitutes an element of a criminal  
16 offense.

17 SECTION 5. Subchapter A, Chapter 505, Occupations Code, is  
18 amended by adding Section 505.0026 to read as follows:

19 Sec. 505.0026. REFUSAL BASED ON RELIGIOUS BELIEF. (a) A  
20 social worker may refuse to provide a service within the practice of  
21 social work to a person if providing the service would cause the  
22 social worker to violate a sincerely held religious belief.

23 (b) A social worker who refuses to provide a service to a  
24 person under Subsection (a) shall coordinate a referral of the  
25 person to a psychologist, marriage and family therapist, licensed  
26 professional counselor, chemical dependency counselor, or social  
27 worker, as appropriate, who agrees to provide the counseling or

1 therapy service.

2 (c) The board may not take disciplinary action against or  
3 impose an administrative penalty on a social worker based on the  
4 social worker's refusal to provide a service under Subsection (a).

5 (d) A person may not bring a cause of action against a social  
6 worker based on the social worker's refusal to provide a service  
7 under Subsection (a).

8 (e) This state or a political subdivision of this state may  
9 not penalize or withhold benefits, including tax exemptions,  
10 governmental contracts, or grants, from a social worker based on  
11 the social worker's refusal to provide a service under Subsection  
12 (a).

13 (f) A social worker's refusal to provide a service under  
14 Subsection (a) is not conduct that constitutes an element of a  
15 criminal offense.

16 SECTION 6. The change in law made by this Act applies only  
17 to conduct that occurs on or after the effective date of this Act.  
18 Conduct that occurs before the effective date of this Act is  
19 governed by the law in effect on the date the conduct occurred, and  
20 the former law is continued in effect for that purpose.

21 SECTION 7. This Act takes effect September 1, 2017.