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By:  Hall S.B. No. 85

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, social worker, or licensed behavior analyst, 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 license holder based on the license holder's refusal to provide a psychological service under Subsection (b).

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

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

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

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

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

(c)  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 marriage and family therapy under Subsection (a).

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

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

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

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

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

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

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

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

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

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

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

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

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

(c)  The department may not take disciplinary action against or impose an administrative penalty on a person who holds a license, registration, or certification based on the holder's refusal to provide chemical dependency counseling under Subsection (a).

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

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

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

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

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

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

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

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

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

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

SECTION 6.  Subchapter A, Chapter 506, Occupations Code, is amended by adding Section 506.004 to read as follows:

Sec. 506.004.  REFUSAL BASED ON RELIGIOUS BELIEF. (a) A person who holds a license under this chapter may refuse to provide a service within the practice of applied behavior analysis to a person if providing the service would cause the license holder to violate a sincerely held religious belief.

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

(c)  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 service under Subsection (a).

(d)  A person may not bring a cause of action against a license holder based on the license holder's refusal to provide a service under Subsection (a).

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

(f)  A license holder's refusal to provide a service under Subsection (a) is not conduct that constitutes an element of a criminal offense.

SECTION 7.  The change in law made by this Act applies only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 8.  This Act takes effect September 1, 2019.