

By: Sanford, Krause, Rodriguez,
King of Parker, Bell of Montgomery,
et al.

H.B. No. 2969

A BILL TO BE ENTITLED

1 AN ACT

2 relating to prohibited adverse employment action against a first
3 responder based on mental illness.

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

5 SECTION 1. Subtitle B, Title 9, Health and Safety Code, is
6 amended by adding Chapter 786 to read as follows:

7 CHAPTER 786. PROHIBITED ADVERSE EMPLOYMENT ACTION AGAINST FIRST
8 RESPONDER

9 Sec. 786.001. DEFINITION. In this chapter, "first
10 responder" means a public safety employee of a state agency or
11 political subdivision of this state whose duties include responding
12 rapidly to an emergency.

13 Sec. 786.002. APPLICABILITY. This chapter applies only to
14 a first responder who is:

15 (1) a peace officer licensed under Chapter 1701,
16 Occupations Code, whose duties include responding rapidly to an
17 emergency;

18 (2) fire protection personnel as defined by Section
19 419.021, Government Code; or

20 (3) emergency medical services personnel licensed
21 under Chapter 773.

22 Sec. 786.003. DISCRIMINATION PROHIBITED. (a) Except as
23 provided by Subsection (b), an employer of a first responder may not
24 suspend, terminate, or take any other adverse employment action,

1 including a loss of rank, pay, or benefits, against a first
2 responder solely because the employer knows or believes that the
3 first responder has a mental illness.

4 (b) Notwithstanding Subsection (a), an employer of a first
5 responder who knows or believes that the first responder has a
6 mental illness may take an appropriate adverse employment action
7 that is necessary to ensure public safety.

8 Sec. 786.004. CLAIM OR DEFENSE BASED ON ADVERSE EMPLOYMENT
9 ACTION; DAMAGES. (a) A person may assert a violation of this
10 chapter as a claim against an employer, including a governmental
11 entity, in a judicial or administrative proceeding or as a defense
12 in a judicial or administrative proceeding.

13 (b) An aggrieved person may seek:
14 (1) compensatory damages;
15 (2) reasonable attorney's fees and court costs; and
16 (3) any other appropriate relief.

17 Sec. 786.005. SOVEREIGN IMMUNITY WAIVED. Sovereign
18 immunity to suit is waived and abolished to the extent of liability
19 created by this chapter.

20 SECTION 2. This Act applies only to a suspension,
21 termination, or other adverse employment action taken by an
22 employer against a first responder on or after the effective date of
23 this Act. A suspension, termination, or other adverse employment
24 action that is taken by an employer against a first responder before
25 the effective date of this Act is governed by the law in effect on
26 the date the employment action is taken, and the former law is
27 continued in effect for that purpose.

1 SECTION 3. This Act takes effect September 1, 2019.