A BILL TO BE ENTITLED

AN ACT

relating to discrimination by a state agency against an applicant
for or holder of an occupational license.

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

SECTION 1. Chapter 57, Occupations Code, is amended by
adding Sections 57.003 and 57.004 to read as follows:

Sec. 57.003. CERTAIN RULES OR POLICIES PROHIBITED. (a) A
state agency that issues a license or otherwise regulates a
business, occupation, or profession may not adopt any rule,
regulation, or policy or impose a penalty that:

(1) limits an applicant's ability to obtain, maintain,
or renew a license based on a sincerely held religious belief of the
applicant; or

(2) burdens an applicant's or a license holder's:

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

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

(C) membership in any religious organization.

(b) Subsection (a) does not apply to the licensing or
regulation of peace officers by the Texas Commission on Law
Enforcement.

(c) Subsection (a) does not prohibit a state agency from

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taking any action to ensure that the standard of care or practice
for the applicable business, occupation, or profession is
satisfied.

(d) This section may not be construed to:

(1) authorize a license holder to refuse to provide a
medical service within the scope of the person's license that is
necessary to prevent death or imminent serious bodily injury; or

(2) limit any right, privilege, or protection granted
to any person under the constitution and laws of this state and the
United States.

Sec. 57.004. ADMINISTRATIVE OR JUDICIAL RELIEF. (a) A
person may assert that a state agency rule, regulation, or policy,
or a penalty imposed by the agency, violates Section 57.003 as a
defense in an administrative hearing or as a claim or defense in a
judicial proceeding under Chapter 37, Civil Practice and Remedies
Code, except that the person may not assert the violation as a
defense to:

(1) an allegation of sexual misconduct; or

(2) prosecution of an offense.

(b) A person may bring an action for injunctive relief
against a violation of Section 57.003.

SECTION 2. This Act takes effect immediately if it receives
a vote of two-thirds of all the members elected to each house, as
provided by Section 39, Article III, Texas Constitution. If this
Act does not receive the vote necessary for immediate effect, this
Act takes effect September 1, 2019.