

1-1 By: Perry, Bettencourt, Birdwell S.B. No. 17
 1-2 (In the Senate - Filed March 7, 2019; March 7, 2019, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 March 27, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 1; March 27, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 17 By: Birdwell

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to discrimination by a state agency against an applicant
 1-22 for or holder of an occupational license.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Chapter 57, Occupations Code, is amended by
 1-25 adding Sections 57.003 and 57.004 to read as follows:

1-26 Sec. 57.003. CERTAIN OCCUPATIONAL LICENSING RULES OR
 1-27 POLICIES PROHIBITED. (a) A state agency that issues a license or
 1-28 otherwise regulates a business, occupation, or profession may not
 1-29 adopt any rule, regulation, or policy or impose a penalty that:

1-30 (1) limits an applicant's ability to obtain, maintain,
 1-31 or renew a license based on a sincerely held religious belief of the
 1-32 applicant; or

1-33 (2) burdens an applicant's or a license holder's:
 1-34 (A) free exercise of religion, regardless of
 1-35 whether the burden is the result of a rule generally applicable to
 1-36 all applicants or license holders;

1-37 (B) freedom of speech regarding a sincerely held
 1-38 religious belief; or
 1-39 (C) membership in any religious organization.

1-40 (b) Subsection (a) does not apply to the licensing or
 1-41 regulation of peace officers by the Texas Commission on Law
 1-42 Enforcement.

1-43 (c) Subsection (a) does not prohibit a state agency from
 1-44 taking any action to ensure that the standard of care or practice
 1-45 for the applicable business, occupation, or profession is
 1-46 satisfied.

1-47 (d) This section may not be construed to:

1-48 (1) authorize an applicant or license holder to not
 1-49 pay a license issuance or renewal fee;

1-50 (2) authorize a license holder to refuse to provide a
 1-51 medical service within the scope of the person's license that is
 1-52 necessary to prevent death or imminent serious bodily injury; or

1-53 (3) limit any right, privilege, or protection granted
 1-54 to any person under the constitution and laws of this state and the
 1-55 United States.

1-56 Sec. 57.004. ADMINISTRATIVE OR JUDICIAL RELIEF. (a) A
 1-57 person may assert that a state agency rule, regulation, or policy,
 1-58 or a penalty imposed by the agency, violates Section 57.003 as a
 1-59 defense in an administrative hearing or as a claim or defense in a
 1-60 judicial proceeding under Chapter 37, Civil Practice and Remedies

2-1 Code, except that the person may not assert the violation as a
2-2 defense to:

2-3 (1) an allegation of sexual misconduct; or

2-4 (2) prosecution of an offense.

2-5 (b) A person may bring an action for injunctive relief
2-6 against a violation of Section 57.003.

2-7 SECTION 2. This Act takes effect immediately if it receives
2-8 a vote of two-thirds of all the members elected to each house, as
2-9 provided by Section 39, Article III, Texas Constitution. If this
2-10 Act does not receive the vote necessary for immediate effect, this
2-11 Act takes effect September 1, 2019.

2-12 * * * * *