

By: Hall

S.B. No. 85

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of the conduct of certain counseling
3 professions.

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

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

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

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

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

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

1 (e) A person may not bring a cause of action against a
2 license holder based on the license holder's refusal to provide a
3 psychological service under Subsection (b).

4 (f) 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 a psychological service
8 under Subsection (b).

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

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

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

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

26 (c) The board may not take disciplinary action against or
27 impose an administrative penalty on a license holder based on the

1 license holder's refusal to provide marriage and family therapy
2 under Subsection (a).

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

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

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

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

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

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

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

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

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

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

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

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

1 licensed behavior analyst, as appropriate, who agrees to provide
2 the counseling or therapy service.

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

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

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

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

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

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

26 (b) A social worker who refuses to provide a service to a
27 person under Subsection (a) shall coordinate a referral of the

1 person to a psychologist, marriage and family therapist, licensed
2 professional counselor, chemical dependency counselor, social
3 worker, or licensed behavior analyst, as appropriate, who agrees to
4 provide the counseling or therapy service.

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

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

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

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

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

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

26 (b) A license holder who refuses to provide a service to a
27 person under Subsection (a) shall coordinate a referral of the

1 person to a psychologist, marriage and family therapist, licensed
2 professional counselor, chemical dependency counselor, social
3 worker, or licensed behavior analyst, as appropriate, who agrees to
4 provide the counseling or therapy service.

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

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

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

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

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

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