

By: Perry, Birdwell, Hughes

S.B. No. 444

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

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

4 (d) This section may not be construed to:

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

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

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

18 (1) an allegation of sexual misconduct; or

19 (2) prosecution of an offense.

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

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