By: Noble H.B. No. 24

A BILL TO BE ENTITLED

AN ACT

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| 2 | relating to prohibited vaccination status discrimination and |
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| 3 | requirements for COVID-19 vaccines. |
| 4 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: |
| 5 | ARTICLE 1. COVID-19 VACCINATION STATUS DISCRIMINATION PROHIBITED |
| 6 | SECTION 1.01. Chapter 544, Insurance Code, is amended by |
| 7 | adding Subchapter N to read as follows: |
| 8 | SUBCHAPTER N. COVID-19 VACCINATION STATUS |
| 9 | Sec. 544.651. DEFINITIONS. In this subchapter: |
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| 10 | (1) "COVID-19" means the 2019 novel coronavirus |
| 11 | disease. |
| 12 | (2) "Health benefit plan issuer" means an issuer, |
| 13 | administrator, or sponsor of a health benefit plan described by |
| 14 | Section 544.652. |
| 15 | Sec. 544.652. APPLICABILITY OF SUBCHAPTER. (a) This |
| 16 | subchapter applies only to a health benefit plan that provides |
| 17 | benefits for medical or surgical expenses incurred as a result of a |
| 18 | health condition, accident, or sickness, including a group, |
| 19 | blanket, or franchise insurance policy or insurance agreement, a |
| 20 | group hospital service contract, or a group evidence of coverage or |
| 21 | similar coverage document that is offered by: |
| 22 | (1) an insurance company; |
| 23 | (2) a group hospital service corporation operating |
| 24 | under Chapter 842; |

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               (3) a health maintenance organization operating under
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   Chapter 843;
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               (4) an approved nonprofit health corporation that
   holds a certificate of authority under Chapter 844;
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               (5) a multiple employer welfare arrangement that holds
   a certificate of authority under Chapter 846;
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               (6) a stipulated premium company operating under
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   Chapter 884;
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               (7) a fraternal benefit society operating under
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   Chapter 885;
               (8) a Lloyd's plan operating under Chapter 941; or
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               (9) an exchange operating under Chapter 942.
         (b) Notwithstanding any other law, this subchapter applies
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   to:
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              (1) a small employer health benefit plan subject to
   Chapter 1501, including coverage provided through a health group
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   cooperative under Subchapter B of that chapter;
               (2) a standard health benefit plan issued under
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   Chapter 1507;
               (3) a basic coverage plan under Chapter 1551;
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               (4) a basic plan under Chapter 1575;
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               (5) a primary care coverage plan under Chapter 1579;
               (6) a plan providing basic coverage under Chapter
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   1601;
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              (7) health benefits provided by or through a church
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   benefits board under Subchapter I, Chapter 22, Business
   Organizations Code;
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- (8) the state Medicaid program, including the Medicaid 1 2 managed care program operated under Chapter 533, Government Code; (9) the child health plan program under Chapter 62, 3 Health and Safety Code; 4 5 (10) a regional or local health care program operated 6 under Section 75.104, Health and Safety Code; 7 (11) a self-funded health benefit plan sponsored by a 8 professional employer organization under Chapter 91, Labor Code; 9 (12) county employee group health benefits provided under Chapter 157, Local Government Code; and 10 (13) health and accident coverage provided by a risk 11 pool created under Chapter 172, Local Government Code. 12 (c) This subchapter applies to a life insurance company 13 14 that: 15 (1) issues or delivers a life insurance policy in this 16 state; or 17 (2) is organized under the laws of this state. Sec. 544.653. PROHIBITED DISCRIMINATION 18 19 INDIVIDUAL. A group health benefit plan issuer or a life insurance company may not use an individual's COVID-19 vaccination status to: 20 21 (1) reject, deny, limit, cancel, refuse to renew, or increase the premiums for coverage of the individual under a plan 22 23 offered by the issuer or company; 24 (2) limit the amount, extent, or kind of coverage 25 available to the individual; or 26 (3) otherwise adversely affect the individual's
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eligibility for coverage.

- 1 Sec. 544.654. EFFECT ON OTHER LAW. This subchapter
- 2 prevails to the extent of a conflict between this subchapter and
- 3 any other law.
- 4 SECTION 1.02. Chapter 21, Labor Code, is amended by adding
- 5 Subchapter H-1 to read as follows:
- 6 SUBCHAPTER H-1. DISCRIMINATION BASED ON COVID-19 VACCINATION
- 7 <u>STATUS</u>
- 8 Sec. 21.421. DEFINITION. In this subchapter, "COVID-19"
- 9 means the 2019 novel coronavirus disease.
- 10 Sec. 21.422. PROHIBITED DISCRIMINATION BASED ON COVID-19
- 11 VACCINATION STATUS. (a) An employer commits an unlawful
- 12 employment practice if the employer fails or refuses to hire,
- 13 discharges, or otherwise discriminates against an individual with
- 14 respect to the compensation or the terms, conditions, or
- 15 privileges of employment because the individual has not received a
- 16 <u>COVID-19 vaccine.</u>
- 17 (b) A labor organization commits an unlawful employment
- 18 practice if the labor organization excludes or expels from
- 19 membership or otherwise discriminates against an individual
- 20 because the individual has not received a COVID-19 vaccine.
- 21 <u>(c) An employment agency commits an unlawful employment</u>
- 22 practice if the employment agency classifies or refers for
- 23 employment, fails or refuses to refer for employment, or otherwise
- 24 discriminates against an individual because the individual has not
- 25 received a COVID-19 vaccine.
- Sec. 21.423. LIMITATION OF LIABILITY. An employer, labor
- 27 organization, or employment agency is not liable for a claim

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- 1 arising from exposure to COVID-19 on the basis that the employer,
- 2 labor organization, or employment agency failed to require an
- 3 <u>individual to receive a COVID-19 vaccine.</u>
- 4 Sec. 21.424. EFFECT ON OTHER LAW. This subchapter prevails
- 5 to the extent of a conflict between this subchapter and any other
- 6 law.
- 7 ARTICLE 2. PROHIBITED COVID-19 VACCINATION REQUIREMENTS
- 8 SECTION 2.01. Section 38.001(b), Education Code, as amended
- 9 by Chapters 43 (H.B. 1098) and 94 (H.B. 1059), Acts of the 80th
- 10 Legislature, Regular Session, 2007, is reenacted and amended to
- 11 read as follows:
- 12 (b) Subject to Subsections $(b-1)_{,}$ $(b-2)_{,}$ and $(c)_{,}$ the
- 13 executive commissioner of the Health and Human Services Commission
- 14 may modify or delete any of the immunizations in Subsection (a) or
- 15 may require immunizations against additional diseases as a
- 16 requirement for admission to any elementary or secondary school.
- SECTION 2.02. Section 38.001, Education Code, is amended by
- 18 adding Subsection (b-2) to read as follows:
- 19 (b-2) A student may not be required, as a condition of the
- 20 student's admission to or continued enrollment in any elementary or
- 21 secondary school, to receive a vaccine for the 2019 novel
- 22 <u>coronavirus disease (COVID-19). An elementary or secondary school</u>
- 23 <u>is not liable for a claim arising from exposure to COVID-19 on the</u>
- 24 basis that the school failed to require a student to receive a
- 25 COVID-19 vaccine.
- SECTION 2.03. Subchapter Z, Chapter 51, Education Code, is
- 27 amended by adding Section 51.91921 to read as follows:

- 1 Sec. 51.91921. COVID-19 VACCINATION REQUIREMENT FOR
- 2 PRIVATE OR INDEPENDENT INSTITUTION OF HIGHER EDUCATION STUDENTS
- 3 PROHIBITED. (a) In this section:
- 4 (1) "COVID-19" means the 2019 novel coronavirus
- 5 <u>disease.</u>
- 6 (2) "Private or independent institution of higher
- 7 <u>education" has the meaning assigned by Section 61.003.</u>
- 8 (b) A student may not be required, as a condition of the
- 9 student's admission to or continued enrollment in a private or
- 10 independent institution of higher education, to receive a COVID-19
- 11 vaccine.
- 12 (c) A private or independent institution of higher
- 13 education is not liable for a claim arising from exposure to
- 14 COVID-19 on the basis that the institution failed to require a
- 15 student to receive a COVID-19 vaccine.
- SECTION 2.04. Section 51.933, Education Code, is amended by
- 17 amending Subsection (b) and adding Subsection (b-2) to read as
- 18 follows:
- 19 (b) Except as provided by Subsection (b-2), the [The]
- 20 executive commissioner of the Health and Human Services Commission
- 21 may require immunizations against the diseases listed in Subsection
- 22 (a) and additional diseases for students at any institution of
- 23 higher education who are pursuing a course of study in a human or
- 24 animal health profession, and the executive commissioner may
- 25 require those immunizations for any students in times of an
- 26 emergency or epidemic in a county where the commissioner of state
- 27 health services has declared such an emergency or epidemic.

- 1 (b-2) A student may not be required, as a condition of the
- 2 <u>student's admission to or continued enrollment in an institution of</u>
- 3 <u>higher education</u>, to receive a vaccine for the 2019 novel
- 4 coronavirus disease (COVID-19). An institution of higher education
- 5 is not liable for a claim arising from exposure to COVID-19 on the
- 6 basis that the institution failed to require a student to receive a
- 7 <u>COVID-19 vaccine.</u>
- 8 SECTION 2.05. Section 81.023, Health and Safety Code, is
- 9 amended by adding Subsection (d) to read as follows:
- 10 (d) The department, in developing immunization requirements
- 11 under Subsection (c), may not require a child to receive a vaccine
- 12 for the 2019 novel coronavirus disease (COVID-19).
- 13 SECTION 2.06. Section 224.002, Health and Safety Code, is
- 14 amended by adding Subsection (b-1) to read as follows:
- 15 (b-1) The policy may not require a covered individual to
- 16 <u>receive a vaccine for the 2019 novel coronavirus disease</u>
- 17 (COVID-19).
- 18 ARTICLE 3. TRANSITION AND EFFECTIVE DATE
- 19 SECTION 3.01. Each facility subject to Chapter 224, Health
- 20 and Safety Code, as amended by this Act, shall modify the facility's
- 21 vaccine-preventable disease policy to conform with the changes in
- 22 law made by this Act not later than January 1, 2022.
- SECTION 3.02. Subchapter N, Chapter 544, Insurance Code, as
- 24 added by this Act, applies only to a health benefit plan or
- 25 insurance policy delivered, issued for delivery, or renewed on or
- 26 after January 1, 2022.
- 27 SECTION 3.03. Subchapter H-1, Chapter 21, Labor Code, as

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- 1 added by this Act, applies only to an unlawful employment practice
- 2 that occurs on or after the effective date of this Act.
- 3 SECTION 3.04. (a) The changes in law made by this Act to
- 4 Title 2, Education Code, apply beginning with the 2021-2022 school
- 5 year.
- 6 (b) The changes in law made by this Act to Title 3, Education
- 7 Code, apply beginning with the 2021-2022 academic year.
- 8 SECTION 3.05. This Act takes effect immediately if it
- 9 receives a vote of two-thirds of all the members elected to each
- 10 house, as provided by Section 39, Article III, Texas Constitution.
- 11 If this Act does not receive the vote necessary for immediate
- 12 effect, this Act takes effect on the 91st day after the last day of
- 13 the legislative session.