

By: Toth

H.B. No. 39

A BILL TO BE ENTITLED

AN ACT

1
2 relating to protecting the medical freedom and bodily autonomy of
3 employees with respect to immunization or vaccination status.

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

5 SECTION 1. The legislature finds that:

6 (1) the emergence of the COVID-19 pandemic and
7 corresponding vaccines utilizing new mRNA technology has brought
8 the question of personal bodily autonomy to the forefront of our
9 national and state dialogue;

10 (2) the recently implemented COVID-19 passport
11 protections extend only to patrons of businesses and not employees;

12 (3) the arguments in defense of customers'
13 right-of-access to establishments, goods, and services accompanied
14 by a freedom to move about unhindered may also be applied to
15 protecting an individual from being made to choose between
16 continued employment or taking a vaccine which gives them concerns
17 due to medical reasons or reasons of conscience;

18 (4) a primary role of our government is to protect
19 individual liberties, among which medical freedom and bodily
20 autonomy are certainly numbered;

21 (5) employers are not otherwise prevented in Texas
22 statute from implementing safety precautions for their employees
23 and customers apart from immunizations or vaccinations;

24 SECTION 2. Chapter 21, Labor Code, is amended by adding

1 Subchapter H-1 to read as follows:

2 SUBCHAPTER H-1. DISCRIMINATION BASED ON IMMUNIZATION OR
3 VACCINATION STATUS

4 Sec. 21.421. PROHIBITED DISCRIMINATION BASED ON
5 IMMUNIZATION OR VACCINATION STATUS. (a) An employer commits an
6 unlawful employment practice if the employer fails or refuses to
7 hire, discharges, or otherwise discriminates against an individual
8 with respect to the compensation or the terms, conditions, or
9 privileges of employment because the individual has not received an
10 immunization or vaccine.

11 (b) A labor organization commits an unlawful employment
12 practice if the labor organization excludes or expels from
13 membership or otherwise discriminates against an individual
14 because the individual has not received an immunization or vaccine.

15 (c) An employment agency commits an unlawful employment
16 practice if the employment agency classifies or refers for
17 employment, fails or refuses to refer for employment, or otherwise
18 discriminates against an individual because the individual has not
19 received an immunization or vaccine.

20 SECTION 2. The following provisions are repealed:

- 21 (1) Chapter 224, Health and Safety Code; and
- 22 (2) Section 42.04305, Human Resources Code.

23 SECTION 3. The change in law made by this Act applies only
24 to an unlawful employment practice that occurs on or after the
25 effective date of this Act.

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect on the 91st day after the last day of the
4 legislative session.