A BILL TO BE ENTITLED

AN ACT
relating to prohibited vaccination status discrimination and
requirements for certain vaccination policies.

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

SECTION 1. Section 161.0085, Health and Safety Code, as
added by S.B. No. 968, Acts of the 87th Legislature, Regular
Session, 2021, is amended by adding Subsection (b-1) and amending
Subsection (e) to read as follows:

(b-1) A governmental entity in this state may not require an
individual to provide any documentation certifying the
individual's COVID-19 vaccination or post-transmission recovery on
entry to, to gain access to, or to receive service from the
governmental entity.

(e) This section may not be construed to:

(1) restrict a business or governmental entity from
implementing COVID-19 screening and infection control protocols in
accordance with state and federal law to protect public health; or

(2) interfere with an individual's right to access the
individual's personal health information under federal law.

SECTION 2. Section 224.002(c), Health and Safety Code, is
amended to read as follows:

(c) The policy must [may] include procedures for a covered
individual to be exempt from the required vaccines based on reasons
of conscience, including a religious belief.
SECTION 3. Chapter 21, Labor Code, is amended by adding Subchapter H-1 to read as follows:

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

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

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

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

SECTION 4. Subchapter H-1, Chapter 21, Labor Code, as added by this Act, applies only to an unlawful employment practice that occurs on or after the effective date of this Act.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this
Act takes effect on the 91st day after the last day of the legislative session.