87S30363 KKR-D

By:  Slaton H.B. No. 125

A BILL TO BE ENTITLED

AN ACT

relating to prohibitions on compliance with and enforcement of federal COVID-19 vaccine mandates; creating criminal offenses.

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

SECTION 1.  Chapter 52, Labor Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. RESTRICTIONS ON COVID-19 VACCINATIONS

Sec. 52.081.  DEFINITIONS. In this subchapter:

(1)  "COVID-19" means the 2019 novel coronavirus disease.

(2)  "Governmental entity" means this state, a political subdivision of this state, or an agency of this state or a political subdivision of this state. The term includes an institution of higher education as defined by Section 61.003, Education Code.

Sec. 52.082.  APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies to the Texas National Guard as if it were a governmental entity.

(b)  This subchapter does not apply to enforcement by an agency of or a corporation wholly owned by the federal government of a mandate requiring a full-time employee of the agency or corporation be vaccinated against COVID-19.

Sec. 52.083.  PROHIBITION ON REQUIRED COVID-19 VACCINATIONS AND RELATED ENFORCEMENT; OFFENSE; PENALTY. (a) A person is not required to comply with a federal statute, order, rule, or regulation mandating or purporting to mandate COVID-19 vaccinations if that vaccination requirement does not exist under the laws of this state.

(b)  A governmental entity or an officer, employee, or other individual under the direction or control of the entity may not enforce or attempt to enforce any federal statute, order, rule, or regulation described by Subsection (a).

(c)  A governmental entity or an officer, employee, or other individual under the direction or control of the entity may not require a person to respond to or make an appearance in court for an action or suit filed against the person based on a violation of a federal statute, order, rule, or regulation described by Subsection (a).

(d)  The attorney general shall defend a governmental entity in any action or suit filed against the entity based on a violation of a federal statute, order, rule, or regulation described by Subsection (a).

(e)  An officer, employee, or other individual under the direction and control of a governmental entity who violates Subsection (b) commits an offense. An offense under this subsection is a felony of the third degree.

Sec. 52.084.  PROHIBITION ON COOPERATION WITH FEDERAL GOVERNMENT; OFFENSE; PENALTY. (a) A governmental entity or an officer, employee, or other person under the direction or control of a governmental entity, including a sheriff, deputy sheriff, or other peace officer, may not give force or effect to any court order that conflicts with this subchapter.

(b)  Cooperative agreements with federal agencies notwithstanding, a law enforcement agency or peace officer in this state may not assist or cooperate in any way with the enforcement of any federal statute, order, rule, or regulation described by Section 52.083(a).

(c)  A person commits an offense if, in the person's official capacity as a federal officer or agent the person knowingly:

(1)  enforces or attempts to enforce any federal statute, order, rule, or regulation described by Section 52.083(a); or

(2)  assists a person acting in an official capacity as an officer or agent of the federal government in enforcing or attempting to enforce any federal statute, order, rule, or regulation described by Section 52.083(a).

(d)  An offense under Subsection (c) is a felony of the third degree.

Sec. 52.085.  ENFORCEMENT OF SUBCHAPTER. (a) The attorney general shall enforce this subchapter by injunction and any other available remedy.

(b)  The governor shall take any action within the governor's powers to enforce this subchapter.

(c)  Each governmental entity shall enforce this subchapter.

(d)  A peace officer shall arrest a person who commits an offense under Section 52.083 or 52.084 and an attorney representing the state shall prosecute the offense.

SECTION 2.  Any federal statute, order, rule, regulation, treaty, or court decision that purports to supersede, stay, or overrule this Act is in violation of the Texas Constitution and the United States Constitution and is therefore void. The State of Texas, a governmental entity of this state, and any agent of this state or a governmental entity of this state may, but is not required to, enter an appearance, special or otherwise, in any federal suit challenging this Act.

SECTION 3.  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.