By:  Middleton H.B. No. 134

A BILL TO BE ENTITLED

AN ACT

relating to exemptions from certain vaccination requirements.

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

SECTION 1.  Chapter 21, Labor Code, is amended by adding Subchapter H-1 to read as follows:

SUBCHAPTER H-1. DISCRIMINATION BASED ON EXEMPTION FROM REQUIRED COVID-19 VACCINATION

Sec. 21.421.  DEFINITION. In this subchapter, "COVID-19" means the 2019 novel coronavirus disease, SARS-CoV-2, and any mutations identified following the initial virus identification.

Sec. 21.422.  EXEMPTION FROM REQUIRED COVID-19 VACCINATION. An employer, labor organization, employment agency or company shall allow an individual to claim an exemption from a required COVID-19 vaccination based on a medical condition, reasons of conscience, a religious belief, a disability or other status identified by the Texas Commission on Human Rights Act, or previous recovery and immunity to COVID-19 as evidenced by the detection of antibodies for COVID-19.

Sec. 21.423.  PROHIBITED DISCRIMINATION BASED ON EXEMPTION FROM REQUIRED COVID-19 VACCINATION. (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 claims an exemption described by Section 21.422.

(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 claims an exemption described by Section 21.422.

(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 claims an exemption described by Section 21.422.

(d)  A company that contracts with a contractor to perform work or provide a service commits an unlawful employment practice if the company excludes, expels, disqualifies or otherwise discriminates against an individual, whom the contractor employs, that claims an exemption described by Section 21.422.

Sec. 21.424.  COVID-19 VACCINATION EXEMPTION AFFIDAVIT FORM. (a) An employee claiming an exemption from a required COVID-19 vaccination must complete and provide to the employee's employer an affidavit on a form described by Subsection (e) stating the reason for the exemption.

(b)  The affidavit must be signed by the employee claiming the exemption or, if the employee is a minor, the employee's parent, managing conservator, or guardian, and the affidavit must be notarized.

(c)  On request of an employee, an employer shall provide to the employee a blank copy of the vaccination exemption affidavit form described by Subsection (e).

(d)  On receipt of an employee's signed and notarized affidavit claiming the exemption, the employer shall exempt the employee from receiving a required COVID-19 vaccination.

(e)  The commission shall develop and make available on the commission's Internet website a blank affidavit form to be used by an employee who claims an exemption from a required COVID-19 vaccination. The content of the affidavit form must be the same or substantially similar to the affidavit form developed under Section 161.0041, Health and Safety Code, except that the form is not required to contain a seal or other security device under Subsection (d) of that section.

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

SECTION 4.  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.