87S30255 RDS-D

By:  Harris H.B. No. 137

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on certain companies that receive governmental contracts or financial benefits from requiring employees to receive a COVID-19 vaccination; authorizing a civil penalty.

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

SECTION 1.  Subtitle F, Title 10, Government Code, is amended by adding Chapter 2278 to read as follows:

CHAPTER 2278. CERTAIN MANDATORY VACCINATIONS PROHIBITED

Sec. 2278.001.  DEFINITIONS. In this chapter:

(1)  "Company" has the meaning assigned by Section 808.001.

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

(3)  "Listed financial benefit" means a financial benefit listed by rule adopted under Section 2278.002(2).

(4)  "Political subdivision" means a county, municipality, school district, special purpose district, or other subdivision of state government that has jurisdiction limited to a geographic portion of the state.

(5)  "State agency" has the meaning assigned by Section 609.001.

(6)  "Tax preference" means a credit, discount, exclusion, exemption, refund, special valuation, special accounting treatment, special rate, or special method of reporting authorized by state law that relates to a state or local tax imposed in this state.

Sec. 2278.002.  LISTED FINANCIAL BENEFITS. The comptroller shall:

(1)  identify each financial benefit, other than a contract, offered by a state agency or political subdivision to a company that is organized or doing business in this state, including a grant, low-interest loan, tax preference, or other financial incentive; and

(2)  by rule adopt a list of each financial benefit identified under Subdivision (1).

Sec. 2278.003.  MANDATORY VACCINATION BY COMPANY RECEIVING LISTED FINANCIAL BENEFIT PROHIBITED. A company that receives a listed financial benefit may not require, as a condition of employment, an employee to receive a COVID-19 vaccination.

Sec. 2278.004.  ENFORCEMENT; CIVIL PENALTY FOR VIOLATION BY COMPANY. (a) A company that violates Section 2278.003 is liable to this state for a civil penalty in the amount of $5,000 for each violation. Each day a violation continues is considered a separate violation for purposes of this subsection.

(b)  A resident of this state may file a complaint with the attorney general alleging that a company is in violation of Section 2278.003. The resident must include with the complaint a signed statement describing the violation.

(c)  If, based on an investigation, the attorney general determines that a violation of Section 2278.003 has occurred, the attorney general shall provide the company with a written notice that:

(1)  describes the violation;

(2)  states the amount of the proposed civil penalty for the violation; and

(3)  requires the company to cure the violation on or before the seventh day after the date the notice is received to avoid the civil penalty.

(d)  If a company does not cure the violation on or before the seventh day after the date notice under Subsection (c) is received, the attorney general may sue to collect the civil penalty.

(e)  A suit or petition under this section may be filed in a district court in Travis County.

(f)  The attorney general may recover reasonable expenses incurred in obtaining relief under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

Sec. 2278.005.  PROVISION REQUIRED IN CONTRACT. A state agency or political subdivision may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it does not, and will not during the term of the contract, require, as a condition of employment, an employee to receive a COVID-19 vaccination.

SECTION 2.  The comptroller of public accounts shall adopt the list described by Section 2278.002, Government Code, as added by this Act, not later than February 1, 2022.

SECTION 3.  Section 2278.005, Government Code, as added by this Act, applies only to a contract for which a state agency or political subdivision first advertises or otherwise solicits bids, proposals, offers, or qualifications or makes a similar solicitation on or after the effective date of this Act. A contract for which a state agency or political subdivision first advertises or otherwise solicits bids, proposals, offers, or qualifications or makes a similar solicitation before that date is governed by the law in effect on the date the advertisement or solicitation is made, and the former law is continued in effect for that purpose.

SECTION 4.  This Act takes effect on the 91st day after the last day of the legislative session.