87S30070 SRA/KKR-D

By:  Hall S.B. No. 36

A BILL TO BE ENTITLED

AN ACT

relating to prohibitions on the use of state money to enforce federal vaccine or treatment mandates and on required COVID-19 vaccinations.

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

SECTION 1.  Subchapter A, Chapter 161, Health and Safety Code, is amended by adding Section 161.0065 to read as follows:

Sec. 161.0065.  PROHIBITION ON USE OF STATE MONEY TO ENFORCE FEDERAL VACCINE OR TREATMENT MANDATES. (a) In this section, "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.

(b)  A governmental entity or a private entity that receives money from this state may not use state money or any other state resource to enforce a federal statute, order, rule, or regulation mandating vaccines or other invasive health care treatments.

SECTION 2.  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)  "Employer" means a person who employs one or more employees.

(3)  "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.  PROHIBITION ON REQUIRED COVID-19 VACCINATIONS AND RELATED ENFORCEMENT. (a) An employer is not required to comply with a federal statute, order, rule, or regulation mandating employer-required COVID-19 vaccinations if that vaccination requirement does not exist under the laws of this state.

(b)  A governmental entity or person employed by or otherwise 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).

SECTION 3.  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 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.